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Friday, June 7, 1968

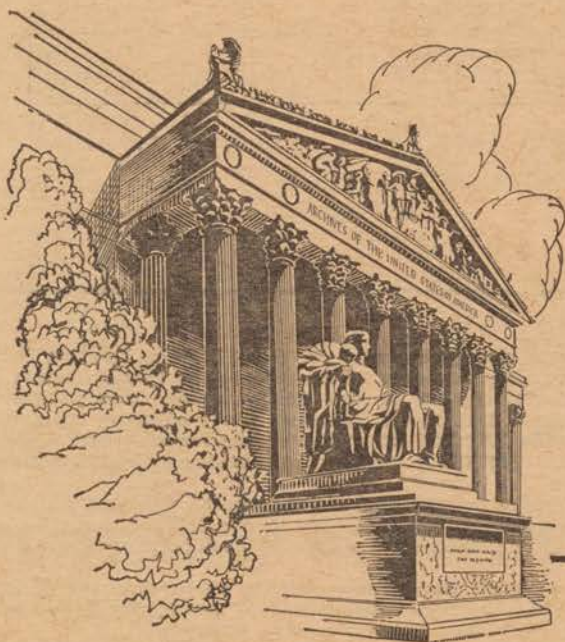
• Washington, D.C.

Pages 8421-8474

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Agricultural Stabilization and
Conservation Service
Civil Service Commission
Coast Guard
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
Defense Department
Emergency Planning Office
Federal Aviation Administration
Federal Communications Commission
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Federal Trade Commission
Fiscal Service
Foreign Assets Control Office
Housing and Urban Development
Department
Internal Revenue Service
Interstate Commerce Commission
Labor Department
Land Management Bureau
Oil Import Administration
Packers and Stockyards
Administration
Securities and Exchange Commission
Small Business Administration
Tariff Commission

Detailed list of Contents appears inside.



Just Released

CODE OF FEDERAL REGULATIONS

(As of January 1, 1968)

Title 7—Agriculture (Parts 700-749) (Revised) -----	\$1. 75
Title 32—National Defense (Parts 1-8) (Revised) -----	2. 00
Title 38—Pensions, Bonuses, and Veterans' Relief (Revised) -----	2. 25

[A cumulative checklist of CFR issuances for 1968 appears in the first issue of the Federal Register each month under Title 1]

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The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

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Title 3—THE PRESIDENT

Proclamation 3853

DEATH OF ROBERT F. KENNEDY

By the President of the United States of America

A Proclamation

TO THE PEOPLE OF THE UNITED STATES:

A noble and compassionate leader, a good and faithful servant of the people, in the full vigor of his promise, lies dead from an assassin's bullet.

The tragedy and the senseless violence of Robert F. Kennedy's death casts a deep shadow of grief across America and across the world.

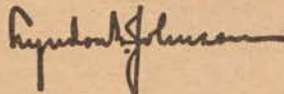
This is a moment for all Americans to join hands and walk together through this dark night of common anguish into a new dawn of healing unity.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States, do call upon all Americans to observe Sunday next, the ninth day of June, as a day of national mourning in his memory throughout the United States. In our churches, in our homes, and in our hearts let us resolve before God and before each other that the purpose of progress and justice for which Robert F. Kennedy lived shall endure.

I direct that until interment the flag of the United States shall be flown at half-staff on all buildings, grounds and naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions.

I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of June, in the year of our Lord nineteen hundred and sixty-eight and of the Independence of the United States of America the one hundred and ninety-second.



THE WHITE HOUSE,
June 6, 1968.

[F.R. Doc. 68-6838; Filed, June 6, 1968; 1:12 p.m.]

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3105 is amended to show that the titles and pay rates of certain Treasury Department positions excepted under Schedule A have changed. Effective on publication in the FEDERAL REGISTER, subparagraphs (3) and (5) of paragraph (b) of § 213.3105 are amended as set out below.

§ 213.3105 Treasury Department.

(b) *Bureau of Customs.* * * *

(3) Positions of part-time, intermittent, or temporary Customs Inspectors, and Port Directors in Alaska paid at a rate not above GS-9, and for not more than 130 days in a service year. * * *

(5) Positions at GS-9 and below of Customs Enforcement Officer, Customs Inspector, Customs Marine Clerk/Officer, Customs Aid (sampling), Customs Warehouse Officer, Port Director, Interpreter, and Laborer, with duties of a continuing nature that require the part-time or intermittent service of an employee for not more than 700 hours in his service year. An individual appointed under this exception may not be employed in the Bureau of Customs under a combination of this and any other exception for more than 700 hours in his service year.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[F.R. Doc. 68-6723; Filed, June 6, 1968; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Special Assistant to the President of the Federal National Mortgage Association is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (29) is added to paragraph (a) of § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(29) One Special Assistant to the President, Federal National Mortgage Association.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[F.R. Doc. 68-6722; Filed, June 6, 1968; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 3]

PART 722—COTTON

Subpart—Acreage Allotments for 1966 and Succeeding Crops of Extra Long Staple Cotton

MISCELLANEOUS AMENDMENTS

This amendment is issued under the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) for the following purposes:

(1) Language changes are made to conform the extra long staple cotton procedure to that established for upland cotton to the extent that statutory requirements permit.

(2) Three counties are removed from the list of ELS cotton counties designated under section 347(a) of the Act since these counties no longer receive allotments.

(3) Closing dates for new ELS cotton farm applications and for the release and reapportionment programs are established.

(4) Procedure is established for the designation of counties affected by a natural disaster within the meaning of section 344(n) of the Act. Such designation authorizes the transfer of allotment from farms affected by natural disaster under certain conditions.

(5) The erroneous notice provision is broadened to cover certain cases.

Since farmers need to know the effect of these amendments as soon as possible, it is hereby found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest.

The subpart—Acreage Allotments for 1966 and Succeeding Crops of Extra Long

Staple Cotton, of Part 722, Subchapter B of Chapter VII, Title 7 (31 F.R. 6247), is amended as follows:

1. The Table of Contents is revised to read as follows:

GENERAL

Sec.
722.501 Applicability.
722.502 Recording allotments and bases.
722.503 Expiration of time limitations.
722.504 Definitions.
722.505 [Reserved]

STATE AND COUNTY ALLOTMENTS

722.506 Apportionment of National allotment among States.
722.507 Annual allocations.
722.508 State reserve.
722.509 Apportionment of State allotment among counties and establishment of county reserve.

FARM ALLOTMENTS

722.510 Establishment of farm allotment bases.
722.511 Establishment of farm allotments.
722.512 Allotments for new ELS cotton farms.
722.513 Release and reapportionment of ELS cotton allotments.
722.514 [Reserved]
722.515 Allotments for special farms.

NOTICES OF FARM MARKETING QUOTAS

722.516 Notices of farm allotment and marketing quota.
722.517 Publication of farm allotments and marketing quotas and availability of records.

NATURAL DISASTER TRANSFERS

722.518 Transfer of farm ELS cotton acreage affected by a natural disaster.

MISCELLANEOUS PROVISIONS

722.519 Successors-in-interest.
722.520 Marketing quotas transferable only under specified conditions.
722.521 Determination of compliance with allotments.
722.522 No credit for overplanting the farm allotment.
722.523 Approval of determinations and additional authority for determination of farm allotments and farm marketing quotas.
722.524 Review of farm allotment.
722.525 Erroneous notice of ELS cotton allotment.
722.526-722.550 [Reserved]

2. Section 722.502 is revised to read as follows:

§ 722.502 Recording allotment and bases.

Farm allotments and bases shall be rounded to tenths of acres in accordance with the provision of Part 793 of this chapter.

3. Section 722.504 is revised to read as follows:

§ 722.504 Definitions.

In determining the meaning of this subpart, unless the context indicates otherwise, words importing the singular

include and apply to several persons or things, words importing the masculine gender include the feminine as well, and words used in the present tense include the future as well as the present.

(a) *General terms.* Definitions in Part 719 of this chapter shall apply to this subpart.

(b) *Abnormal weather conditions.* Weather conditions including conditions directly resulting therefrom adversely affecting the planting of ELS cotton. The conditions must have been of sufficient duration and intensity to prevent the seeding of land to ELS cotton and must have continued until the end of the planting season for the area.

(c) *Acreage planted to ELS cotton on the farm in the current year.* (For use in determining compliance with the farm allotment.)

(1) The acreage seeded to ELS cotton plus stub ELS cotton acreage on the farm in the current year, excluding any acreage in excess of the farm allotment which is destroyed or disposed of in accordance with the requirements of Part 718 of this chapter.

(2) If the farm operator fails to file a certification of acreage in a certification county, the acreage planted to ELS cotton shall be considered to be zero for history acreage purposes, and for marketing quota purposes any ELS cotton produced on the farm shall be considered as excess ELS cotton in accordance with Part 718 of this chapter in lieu of the rule prescribed in subparagraph (1) of this paragraph.

(d) *Act.* Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

(e) *Base period for establishing farm allotments.* The 3-year period immediately preceding the current year.

(f) *Base period for establishing State and county allotments.* The 5-year period immediately preceding the year in which allotments and marketing quotas are proclaimed for the current year.

(g) *Conservation programs.* Programs under which acreage removed or diverted from the production of ELS cotton is eligible for acreage history under the terms of the statute establishing such program or under the general authority granted under 7 U.S.C. 1838(g).

(h) *County reserve.* Acreage reserved by the county committee from the computed county allotment and allocations from the State reserve for trends and abnormal conditions.

(i) *Extra long staple (ELS) cotton.* American-Egyptian, Sea Island, Sea land, and all other varieties of the Barbados species of cotton and any hybrid thereof, and any other cotton in which one or more of these varieties predominate, produced in an area designated by the Secretary.

(j) *Farm allotment.* ELS cotton acreage allotment established for a farm.

(k) *History acreage of ELS cotton on the farm during the base period.* (For use in establishing farm allotments. Acreage devoted to production of upland cotton shall be excluded.) History acreage of

ELS cotton on the farm shall be credited in the amount of the farm allotment including any portion transferred by temporary adjustment (see paragraph (q)) from the farm but excluding any portion transferred by temporary adjustment to the farm. Such history acreage shall be adjusted in certain cases as follows:

(1) If less than 75 percent of the farm allotment for the respective year and for each of the 2 years preceding such year, after any temporary adjustment of allotment from the farm and before any temporary adjustment of allotment to the farm, was planted or considered planted to ELS cotton (sum of acreage seeded to ELS cotton, acreage devoted to the production of stub ELS cotton seeded prior to such year, and acreage considered planted to ELS cotton under a conservation program) the history acreage for the respective year shall be credited in the amount of the sum of the following:

(i) Acreage seeded to ELS cotton;
(ii) Acreage devoted to the production of stub ELS cotton seeded prior to such year;
(iii) Acreage considered planted to cotton under a conservation program; and
(iv) Acreage temporarily adjusted from the farm.

(2) No adjustment of history acreage under subparagraph (1) of this paragraph shall be made for a farm owned by the Federal Government with a restrictive lease prohibiting the planting of ELS cotton or for a farm for which ELS cotton allotment is established in the pool under Part 719 of this chapter.

(l) *History acreage of ELS cotton in the State and county during the base period.* The county history acreage for each year shall be the sum of the farm history acreages in the county. The State history acreage for each year shall be the sum of the county history acreages.

(m) *New ELS cotton farm.* Farm for which an ELS cotton acreage allotment is established for the current year and for which there is no history acreage in any year of the farm base period.

(n) *Old ELS cotton farm.* Farm having acreage history in any one or more of the farm base years excluding history for released acreage when all the history in the base years resulted from released acreage but including history for acreage transferred due to a natural disaster.

(o) *Small farm.* Farm for which an allotment for the current year, exclusive of allocation to the farm from State and county reserves, is 15 acres or less.

(p) *State reserve.* Acreage reserved by the State committee from the State allotment.

(q) *Temporary adjustment of allotment.* Includes acreage temporarily transferred by release and reapportionment, or reduced because of cropland limitation.

(r) *Upland cotton.* Any cotton other than extra long staple cotton.

§ 722.505 [Deleted]

4. Section 722.505 is deleted and the section number is reserved.

§ 722.509 [Amended]

5. Paragraph (b) of § 722.509 is amended by deleting from the table of designated counties the following:

Santa Cruz County, Ariz.
Bradford County, Fla.
Putnam County, Fla.

6. Section 722.510 is revised to read as follows:

§ 722.510 Establishment of farm allotment bases.

(a) *Allotment base is preceding year's allotment.* The county committee shall establish farm allotment bases for the current year for farms which were old ELS cotton farms in the year preceding the current year. The farm allotment base shall be the farm allotment prior to any temporary adjustment of allotment to or from the farm for the year preceding the current year in the following cases:

(1) 75 percent or more of such farm allotment was seeded to ELS cotton, devoted to the production of stub ELS cotton seeded in a prior year, considered planted under a conservation program, and considered planted by reason of temporary adjustment of allotment from the farm.

(2) The county committee determines that failure to plant at least 75 percent of such farm allotment was due to conditions beyond the control of producers on the farm. The farm operator or owner shall file an application in writing with the county committee not later than September 15 of the current year showing that failure to plant at least 75 percent of the farm allotment in the current year was due to one or more of the conditions in subdivisions (i) to (v) of this subparagraph. However, such written application shall not be required if the county committee finds that one or more of such conditions at planting time generally caused underplanting of allotments on a number of farms in an area of the county and in such cases, the county committee, with the approval of a representative of the State committee, may determine that 75 percent or more of the farm allotment for the current year would have been planted to ELS cotton on any farm in such area if the 75 percent planting requirement was met by history acreage credit in at least one of the 2 years preceding the current year. Such conditions are hereby determined to be:

(i) Excessive rain, flood, hail, or drought;

(ii) Lack of water on irrigated farms resulting from the effect of drought on the water supply;

(iii) Illness of the farm operator or any other producers on the farm;

(iv) Insufficient cropland on the farm to support all authorized land uses for allotted crops and feed grain bases in the current year;

(v) Transfer of land ownership, including foreclosure proceedings, which prevent planting of ELS cotton.

(3) The farm is owned by the Federal Government with a restrictive lease prohibiting the planting of ELS cotton.

(4) The farm allotment is established in the pool under Part 719 of this chapter.
(b) Allotment base is not preceding year's allotment. If the requirements of paragraph (a) of this section have not been met, the farm allotment base shall be determined as follows:

(1) *Old ELS cotton farm in the preceding year.* In the case of a farm which was an old ELS cotton farm in the preceding year, the farm allotment base shall be the average of:

(i) The farm allotment for the year preceding the current year; and

(ii) The sum of the acreage under such allotment seeded to ELS cotton devoted to the production of stub ELS cotton seeded in a prior year, considered planted under a conservation program, and considered planted by reason of temporary adjustment of allotment from the farm.

(2) *New ELS cotton farm in the preceding year.* In the case of a farm which was a new ELS cotton farm in the preceding year, the farm allotment base shall be the sum of the acreage actually planted and considered planted to ELS cotton on the farm.

7. Paragraph (a) of § 722.511 is revised to read as follows:

§ 722.511 Establishment of farm allotments.

(a) *Indicated allotments for old ELS cotton farms in all counties.* The adjusted county allotments shall be apportioned among old ELS cotton farms in accordance with this paragraph. Indicated allotments for such farms shall be determined by multiplying the farm allotment base by a county allotment factor determined by dividing the total of the allotment bases for the current year for all such farms into the adjusted county allotment. The indicated allotment shall not exceed the cropland on the farm available for the production of ELS cotton as determined by the county committee.

8. Paragraph (a) of § 722.512 is amended by adding provisions at the end thereof to read as follows:

§ 722.512 Allotments for new ELS cotton farms.

(a) *Closing date.* * * *

The closing dates established by State committees are as follows:

State	Date
Arizona	Jan. 15
California	Feb. 15
Florida	Feb. 15
Georgia	Feb. 15
New Mexico	Feb. 15
Texas	Jan. 15

9. In § 722.513(b), subparagraph (7) is amended by adding a new subdivision (iv) as follows:

§ 722.513 Release and reapportionment of ELS cotton allotments.

(b) * * *
(7) * * *

(iv) In accordance with subdivisions (i), (ii), and (iii) of this subparagraph, the following dates are established by the State committees:

State	Closing date for release	Closing date for requests for reapportionment	Final date for reapportionment
Arizona	Apr. 1	Apr. 1	Apr. 15
California	Mar. 17	Mar. 17	Mar. 31
Florida	Feb. 28	Feb. 28	Apr. 5
Georgia	Mar. 15	Mar. 15	Mar. 29
New Mexico	Apr. 15	Apr. 15	Apr. 22
Texas	Mar. 8	Mar. 8	Mar. 29

§ 722.514 [Deleted]

10. Section 722.514 is deleted and the section number is reserved.

11. Paragraph (a) of § 722.518 is revised to read as follows:

§ 722.518 Transfer of farm ELS cotton acreage affected by a natural disaster.

(a) *General authority.* The deputy administrator shall determine for any year those counties affected by a natural disaster within the meaning of section 344(n) of the Act which prevents the timely planting or replanting of a portion of the farm ELS cotton acreage allotments in the county. The county committee shall post in the county office a notice of any such determination affecting the county and, to the extent practicable, shall give general publicity in the county to such determination.

12. The first sentence of § 722.525 is revised to read as follows:

§ 722.525 Erroneous notice of ELS cotton allotment.

In any case where through error the producer is officially notified in writing of a farm allotment larger than the final approved farm allotment and it is found by the county committee that such producer, acting solely on the information contained in the erroneous notice, has materially changed his position to enable him to produce the allotment crop (for example, obligated expenditures of funds for land preparation, additional equipment and labor), or has planted an acreage to ELS cotton in excess of the final approved farm allotment, the producer will not be considered to have exceeded the farm allotment unless he planted an acreage in excess of the allotment shown on the erroneous notice. * * *

(Secs. 344, 347, 375, 63 Stat. 670, as amended, 63 Stat. 675, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1347, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 31, 1968.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-6714; Filed, June 6, 1968; 8:46 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 6]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas, and Quota Deficits for 1968

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment to Sugar Regulation 811, as amended, is to determine and to prorate and allocate the deficits in quotas established pursuant to the Act.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota. On the basis of the quotas established for Puerto Rico and the Virgin Islands for the calendar year 1968 in § 811.61 of this part and the supply of sugar expected to be available from those areas for marketing in the continental United States during the calendar year 1968, it is herein found that Puerto Rico will be unable to fill its quota by 400,000 short tons, raw value, and the Virgin Islands will be unable to fill its quota of 15,000 short tons, raw value. Accordingly, quota deficits of 415,000 short tons, raw value, are determined herein for Puerto Rico and the Virgin Islands.

On the basis of estimates of sugar production from the current Puerto Rican crop that area will fail to fill its 1968 mainland sugar quota by 400,000 tons. The sugar industry of the Virgin Islands terminated production of sugar with the 1966 crop and no plans are currently in prospect for any resumption of sugar production in the future. Accordingly, quota deficits of 400,000 short tons, raw value, for Puerto Rico and 15,000 short tons, raw value, for the Virgin Islands are herein determined and are prorated and allocated to foreign countries pursuant to section 204(a) of the Act. If production exceeds the present estimates for Puerto Rico, the marketing opportunities for that area within the total mainland quota for that area will not be limited as a result of the deficit determination and proration provided herein.

The Government of the Republic of the Philippines has notified the Department that it will be unable to fill its statutory share of any deficit during the calendar year 1968. Therefore, pursuant to section 204(a) of the Act the entire deficit declaration of 415,000 short tons, raw value, is prorated and allocated to Western Hemisphere countries. Three hundred and forty thousand short tons, raw value, are prorated to Western Hemisphere countries on the basis of quotas established pursuant to Amendment 5 of

Sugar Regulation 811 for 1968. The remainder of the deficit is allocated herein to the Dominican Republic pursuant to the following determination issued by the President.

THE WHITE HOUSE

WASHINGTON, MAY 28, 1968

Memorandum for: The Secretary of Agriculture.

Subject: Finding pursuant to section 204(a) of the Sugar Act of 1948, as amended by the Sugar Act Amendments of 1965.

In view of the restoration of stable political conditions in the Dominican Republic and the establishment of a democratically elected Government, in accordance with the recommendation of the Conference Report on the Sugar Act Amendments of 1965, that the President use his authority to assign deficits to provide additional quota for the Dominican Republic if the political situation in that Republic warrants such action, and pursuant to section 204(a) of the Sugar Act of 1948, as amended by the Sugar Act Amendments of 1965, I hereby determine that in view of the unique and heavy burden of rehabilitation expenditure on the Government of the Dominican Republic in 1968 it would be in the national interest to give the Dominican Republic a special allocation of 75,000 short tons of sugar from the unused Philippine share of the Puerto Rican and Virgin Islands deficits and its pro rata share of the balance of those deficits and of any other deficits that might be declared in 1968.

You are directed to take the necessary steps to allocate deficits in accordance with this finding.

LYNDON B. JOHNSON.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by adding a new § 811.62 and by amending §§ 811.61 and 811.63 as follows:

1. Section 811.61 is amended by designating paragraph (a) as paragraph (a) (1) and by adding paragraph (a) (2) as follows:

§ 811.61 Quotas for domestic areas.

(a) (1) * * *

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1968 Puerto Rico and the Virgin Islands will be unable by 400,000 and 15,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

2. Section 811.62 is added to read as follows:

§ 811.62 Proration and allocation of deficits and quotas in effect.

(a) It is hereby determined that the Republic of the Philippines will be unable to fill any of its statutory share of deficits during the calendar year 1968. The deficits in quotas determined in paragraph (a) (2) of § 811.61 of 415,000 short tons, raw value, are hereby prorated and allocated pursuant to section 204(a) of the Act to Western Hemisphere countries with quotas in effect. In accordance with a Presidential Memorandum

dated May 28, 1968, 75,000 short tons, raw value, of the deficit proration is herein allocated to the Dominican Republic. The remainder of the deficits totaling 340,000 short tons, raw value, is prorated to Western Hemisphere countries on the basis of quotas established in Sugar Regulation 811, Amendment 5 for 1968.

(b) In establishing deficit proration herein for Western Hemisphere countries consideration has been given to the purchase of U.S. agricultural commodities by such countries, by determining that the value of U.S. agricultural exports to each such country exceeded the total net receipts f.a.s. port of shipment derived from the sale of sugar from deficit proration imported from each

such country during the most recent 12-month period for which data are available. Each foreign country which is unable to fill its quota including its deficit proration has the responsibility to notify the Secretary the extent of and reasons for such shortfall.

3. Section 811.63 is amended by amending paragraph (c) to read as follows:

§ 811.63 Quotas for foreign countries.

(c) For the calendar year 1968, the proration to individual foreign countries other than the Republic of the Philippines pursuant to paragraphs (c) and (d) of section 202 and paragraph (a) of section 204 of the Act are as follows:

Country	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d) ¹	Deficits and deficit prorations ²	Total quotas and prorations
(Short tons, raw value)				
Mexico	221,613	235,348	65,536	522,497
Dominican Republic	216,740	230,173	139,095	586,008
Brazil	216,740	230,173	64,095	511,008
Peru	172,876	183,590	51,124	407,590
British West Indies	86,581	74,174	23,055	183,810
Ecuador	31,536	33,491	9,326	74,353
French West Indies	27,236	23,334	7,253	57,823
Argentina	26,662	28,315	7,885	62,862
Costa Rica	25,516	27,096	7,545	60,157
Nicaragua	25,516	27,096	7,545	60,157
Colombia	22,935	24,356	6,782	54,073
Guatemala	21,502	22,835	6,359	50,696
Panama	16,055	17,050	4,748	37,853
El Salvador	15,708	16,746	4,663	37,117
Haiti	12,041	12,787	3,561	28,389
Venezuela	10,804	11,509	3,222	25,535
British Honduras	6,307	5,404	1,680	13,391
Bolivia	2,580	2,739	763	6,082
Honduras	2,580	2,739	763	6,082
Australia	103,209	87,853	-----	191,062
Republic of China	43,004	36,605	-----	79,609
India	41,284	35,141	-----	76,425
South Africa	30,389	25,868	-----	56,257
Fiji Islands	22,649	19,279	-----	41,928
Thailand	9,461	8,053	-----	17,514
Malaysia	9,461	8,053	-----	17,514
Malagasy Republic	4,874	4,149	-----	9,023
Swaziland	3,727	3,173	-----	6,900
Ireland	5,351	0	-----	5,351
Total	1,435,087	1,437,189	415,000	3,287,276

¹ Proration of the quotas withheld from Cuba and Southern Rhodesia.

² Reflects 75,000 short tons, raw value, allocated to the Dominican Republic by Presidential Memorandum dated May 28, 1968. The remainder of the deficits was prorated to all Western Hemisphere countries with quotas in effect.

(Secs. 201, 202, 204, and 403; Stat. 923, as amended, 924, as amended, and 7 U.S.C. 1111, 1112, 1114, and 1115)

Effective date: This action establishes deficits of 415,000 short tons, raw value, and prorates and allocates such deficits to Western Hemisphere countries with sugar quotas in effect. To permit such countries for which larger quotas or proration are hereby established to plan and to market in an orderly manner the larger quantity of sugar, it is essential at this time that all persons selling and purchasing sugar for consumption in the continental United States be promptly informed of the changes in marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 4, 1968.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 68-6738; Filed, June 6, 1968; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1968 and Subsequent Crops Rice Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1968 and Subsequent Crops, Rice Loan and Purchase Program

These regulations supersede the 1966 and Subsequent Crops Rice Loan and Purchase Program regulations (31 F.R.

8346) and any amendments thereto and any prior continuing rice price support program regulations with respect to price support programs for the 1968 and any subsequent crop of rice.

Sec.	
1421.300	Purpose.
1421.301	Availability.
1421.302	Eligible rice.
1421.303	Compliance requirements.
1421.304	Determination of quality.
1421.305	Determination of quantity.
1421.306	Warehouse receipts.
1421.307	Warehouse charges.
1421.308	Fees and charges.
1421.309	Inspection certificates.
1421.310	Settlement.
1421.311	Maturity of loans.
1421.312	Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714 b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 62 Stat. 1051, as amended, 1054, sec. 302, 72 Stat. 988; 15 U.S.C. 714 c, 7 U.S.C. 1421, 1441.

§ 1421.300 Purpose.

This supplement contains program provisions which, together with (a) the annual crop year supplement, (b) the General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) (31 F.R. 5941), (c) the Cooperative Marketing Association Eligibility Requirements for Price Support regulations in Part 1425 of this chapter, and (d) any amendments or revisions of such regulations, set forth the requirements with respect to price support for the 1968 and subsequent crops of rice.

§ 1421.301 Availability.

A producer desiring price support must request a loan on or notify the ASCS county office of his intention to sell his eligible rice no later than the date(s) set forth in the applicable annual crop supplement to the regulations in this part.

§ 1421.302 Eligible rice.

(a) *General.* To be eligible for price support, rice must meet the requirements of this section in addition to the other eligibility requirements of the program.

(1) *Eligible producer.* The rice must have been produced by an eligible producer.

(2) *Classes.* The rice must be one of the classes specified in (i) the applicable annual crop year supplement or (ii) the Official Standards of the United States for Rough Rice other than "Mixed Rough Rice."

(3) *Contamination and poisonous substances.* Rice must not be contaminated by rodents, birds, insects, or other vermin or contain mercurial compounds or other substances poisonous to man or animals.

(b) *Grade requirements for loans.* In addition to the requirements of paragraph (a) of this section, rice at the time it is placed under loan must:

(1) Grade U.S. No. 5 or better (rice of special grades shall not be eligible) and

(2) Contain not more than 14 percent moisture.

§ 1421.303 Compliance requirements.

An eligible producer shall be a producer on whose farm the rice acreage allotment established for the farm under the provisions of the Rice Acreage Allotment Regulations of Part 730 of this title has not been knowingly exceeded. If the farm is determined to be in compliance with the farm rice acreage allotment under the provisions of Parts 718 and 730 of this title, the farm rice acreage allotment will not be considered to have been knowingly exceeded. If a producer has an interest in a rice crop produced on more than one farm in the same county, he must also, in order to be eligible for price support, be entitled to market rice produced on each such farm as penalty free rice under the provisions of the Rice Marketing Quota Regulations of Part 730 of this title and any amendments thereto. If a producer is engaged in the production of rice in more than one county (in the same State or in two or more States) and the requirements of Rice Marketing Quota Regulations of Part 730 of this title, and any amendments thereto, are applied to such multiple farming unit, he must also, in order to be eligible for price support, be entitled to market rice produced on each such farm, wherever situated, as penalty free rice under the provisions of such regulations. Notwithstanding the provisions of this section, rice produced on a farm shall be considered as available for marketing as penalty free rice for price support purposes if such rice was produced on a farm for which a certification is furnished under § 718.21(f) of this title of the Determination of Acreage and Compliance Regulations and subsequent measurement of the rice acreage on such farm indicates that the acreage planted in excess of the farm rice acreage allotment does not exceed the larger of 0.5 of an acre, or 5 percent of the farm rice acreage allotment but not to exceed 15 acres.

§ 1421.304 Determination of quality.

(a) *Quality.* The class, grade, grading factors, milling yield, and all other quality factors shall be determined in accordance with the Official Standards of the United States for Rough Rice, whether or not such determinations are made on the basis of an official inspection.

(b) *Loans.* In the case of rice stored commingled in an approved warehouse, loans will be made on the quality shown on the warehouse receipt or supplemental certificate if applicable. In all other cases, loans will be made on the basis of quality shown on the Federal or Federal-State sample inspection certificate based on a representative sample of each lot of rice taken as authorized by the county committee.

§ 1421.305 Determination of quantity.

(a) *In warehouse—(1) Commingled.* The amount of a loan on the quantity of eligible rice stored commingled in an

approved warehouse shall be based on the weight specified on the warehouse receipt representing such rice which is pledged as security for the loan, or on the supplemental certificate, if applicable.

(2) *Identity preserved or modified commingled.* The amount of a loan on the quantity of eligible rice stored identity preserved or modified commingled in an approved warehouse shall be based on a percentage, as determined by the State committee, of the weight specified on the warehouse receipt representing such rice which is pledged as security for the loan, or on the supplemental certificate, if applicable. Such percentage shall not exceed 95 percent of the weight so specified. The State committee's determination shall be made on a statewide basis or for specified areas within the State. The county committee may lower such percentage on an individual basis when determined to be in the best interest of CCC. Weights determined on the basis of such percentages shall be expressed in terms of whole units of 100 pounds.

(b) *On farm.* The quantity of rice placed under a farm storage loan shall be determined in accordance with § 1421.67 and shall be expressed in whole units of 100 pounds.

(c) *Bagged or bulk.* In determining the quantity of bagged rice by weight, the gross weight, including bags, shall be used. When necessary to convert bagged rice to a bulk basis or bulk rice to a bagged basis, an adjustment of 0.6 pound for 100 pounds of gross weight shall be made as allowance for the weight of the bag.

§ 1421.306 Warehouse receipts.

(a) *General.* A warehouse receipt representing rice to be placed under a warehouse storage loan, delivered in satisfaction of a farm storage loan or delivered for purchase, must meet the requirements of this section and the General Regulations Governing Price Support for 1964 and Subsequent Crops as amended or revised. A separate warehouse receipt must be submitted for each class by variety, grade, and milling yield of rice. Each warehouse receipt must carry an endorsement by the warehouseman in substantially the following form:

Warehouse charges through (applicable maturity date) including, but not limited to, receiving and loading out charges accrued or to accrue and all other charges incident to the acquisition of the rice by CCC on the rice represented by this warehouse receipt have been paid or otherwise provided for and a lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of the warehouse receipt. If the rice represented by this warehouse receipt is to be loaded out in bags, the warehouseman agrees that any and all right, title, and interest which he has in such bags shall pass with the rice when such rice is acquired under the price support program or shall pass at the time the rice is loaded out if the rice is not in bags at the time of acquisition by CCC.

(b) *Entries.* Each warehouse receipt or warehousemen's supplemental certificate properly identified with the warehouse receipt must be issued in accordance with the Uniform Rice Storage Agreement and must show:

- (1) Whether the rice is stored in bulk or in bags;
- (2) Whether the rice is to be delivered in bulk or in bags;
- (3) Gross weight for bagged rice and net weight for bulk rice;
- (4) Class and variety;
- (5) Grade;
- (6) Grading factors;
- (7) Milling yield;
- (8) Moisture;
- (9) Method of storage (commingled, modified commingled, or identity preserved); and
- (10) Manner by which rice was received (truck or rail).

(c) *Supplemental certificate.* When required, the supplemental certificate shall be executed by the warehouseman for commingled rice, by the warehouseman and producer for modified-commingled rice and by the producer for identity-preserved rice.

§ 1421.307 Warehouse charges.

(a) *Farm-stored loans and purchases.* CCC will assume receiving and warehouse storage charges on rice delivered to an approved warehouse after loan maturity date and acquired by CCC (1) in satisfaction of a farm storage loan or (2) through purchase, except that warehouse storage charges will be assumed by CCC only from and after the date of completion of deposit of such rice in the warehouse.

(b) *Warehouse-stored loans and purchases.* CCC will assume warehouse storage charges accruing on and after the day following the loan maturity date on rice which is in approved warehouse storage under loan and is acquired by CCC and on rice which is in approved warehouse storage on the loan maturity date and is purchased by CCC.

(c) *Refund of prepaid handling charges.* The receiving or the receiving and loading out charges on the rice referred to in paragraph (a) of this section and in § 1421.72(d) may not exceed 8 cents per hundredweight.

§ 1421.308 Fees and charges.

The producer shall pay a loan service fee and delivery charge as specified in § 1421.60(b). In addition, a charge of \$3.50 for each lot sampled will be made in connection with farm-stored loans and for each warehouse receipt for a modified-commingled and identity-preserved warehouse-stored loan.

§ 1421.309 Inspection certificates.

Except in the case of a loan on rice stored commingled in an approved warehouse, settlement with the producer on rice acquired by CCC will be based on the quality shown on the Federal or Federal-State sample inspection certificates. Such inspection certificates shall be dated not earlier than 30 days prior to the maturity date. The cost of Federal or Federal-

State inspections as required by this section and § 1421.310 shall be for the account of CCC.

§ 1421.310 Settlement.

Settlement for eligible rice acquired by CCC under loan or by purchase will be made with the producer as provided in § 1421.72, the annual crop year supplement and this section. Where rice is placed under a farm storage loan in an area where a location differential is in effect and is delivered to CCC in satisfaction of the loan in an area where no differential is applicable, settlement for rice acquired by CCC will be made on the basis of the support rate for the area where the rice is delivered. Deliveries of rice shall be in accordance with instructions issued by the county office.

(a) *Commingled warehouse storage.* Settlement for eligible rice stored commingled in an approved warehouse and acquired by CCC under a loan or by purchase shall be made on the basis of the class and the grade, quality and quantity as shown on the warehouse receipt or supplemental certificate if applicable. Settlement shall also be made on such a basis (1) where an approved warehouse issues a commingled warehouse receipt for loan rice delivered into the warehouse from farm storage pursuant to instructions of the county office, (2) where an approved warehouse issues commingled warehouse receipts in exchange for warehouse receipts representing rice under identity-preserved or modified-commingled warehouse storage loan and (3) where CCC determines that a warehouseman failed to maintain the identity of rice covered by an identity preserved warehouse storage loan or modified-commingled warehouse storage loan. In the case of purchases, the producer shall, not later than the day following the final date for delivery or during such other period of time thereafter as may be specified by the county office, submit to the county office warehouse receipts under which an approved warehouse guarantees the class and the grade, quality, and quantity of rice sold to CCC.

(b) *Modified commingled.* Settlement for eligible rice stored modified commingled in an approved warehouse and acquired by CCC under a loan or purchase shall be made on the basis of the class, grade and quality shown on Federal or Federal-State sample inspection certificates and on the basis of the quantity shown on the warehouse receipt or supplemental certificate if applicable. The producer shall, within 10 days after the maturity date in the case of loans and at the time of sale under a purchase, furnish to the county office the applicable Federal or Federal-State sample inspection certificates.

(c) *Other storage.* Settlement for eligible rice acquired under loan or purchase not covered by paragraph (a) or (b) of this section shall be made on the basis of the class and of the grade and quality shown on Federal or Federal-State sample inspection certificates and

on the basis of the quantity shown on official weight certificates. In the case of rice stored identity preserved in approved warehouse storage (1) if the rice was acquired by CCC under purchase, the producer shall furnish to the county office Federal or Federal-State sample inspection certificates at the time of sale, or (2) if the rice was acquired by CCC under a loan, the producer shall furnish such certificates within 10 days after the maturity date. In the case of rice stored in other than approved warehouse storage and acquired by CCC under a loan or by purchase, the producer shall furnish Federal or Federal-State sample inspection certificates at the time of delivery or sale. Official weight certificates required by this paragraph (c) shall be dated not earlier than 30 days prior to the applicable maturity date covering the rice.

(d) *Bagged or bulk rice—(1) Farm storage.* The weight of farm-stored bulk rice acquired by CCC on which settlement will be made shall be the net weight of the rice. The weight of farm-stored bagged rice acquired by CCC on which settlement will be made shall be the combined net weight of the rice and the bags, and title to the bags will pass to CCC with the rice. CCC shall not otherwise pay any amount representing the value of the bags.

(2) *Warehouse-stored.* Rice in approved warehouse storage shall be acquired by CCC on a bagged or bulk basis in accordance with the manner in which the rice is to be loaded out by the warehouseman as indicated on the warehouse receipt. The quantity for settlement purposes shall be the net weight of the rice when acquired in bulk and the combined net weight of the rice and the bags when acquired in bags. Where the warehouse receipt indicates that rice will be loaded out in bags, title to the bags shall pass to CCC at the time of acquisition of the rice. CCC shall not otherwise pay any amount representing the value of the bags. In the event any person should successfully dispute the passing of title to the bags, the producer shall indemnify CCC for any loss sustained by reason thereof.

§ 1421.311 Maturity of loans.

Loans will mature on demand but not later than the date specified in the annual crop year supplement to the regulations in this part.

§ 1421.312 Support rates.

The basic support rate, premium and discounts and location differentials for use in making loans and purchases shall be set forth in the annual crop year supplement to the regulations in this part.

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 22, 1968.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 68-6741; Filed, June 6, 1968; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 40—STANDARDS OF CONDUCT

Outside Employment and Statements of Employment and Financial Interests

The following amendments to Part 40 have been authorized: § 40.735-9(d) has been revised; § 40.735-9(e) has been deleted. § 40.735-14(e) (5) has been revised. The revision of § 40.735-14(e) (5) has been approved by the Civil Service Commission on May 8, 1968. The revised §§ 40.735-9(d) and 40.735-14(e) (5) now read as follows:

§ 40.735-9 Outside employment of DoD personnel.

(d) DoD personnel are encouraged to engage in teaching, lecturing, and writing. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Commission or Board of Examiners for the Foreign Service, that is dependent on information obtained as a result of his Government employment, except when that information has been published or is available to the general public or will be made available on request, or when the agency head gives written authorization for the use of nonpublic information on the basis that the use is in the public interest. In addition, an employee who is a civilian Presidential appointee shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs or operations of his agency or which draws substantially on official data or ideas which have not become part of the body of public information.

§ 40.735-14 Statements of employment and financial interests.

(e) Manner of submission—Statements of employment:

(5) Statements of employment and financial interest shall be submitted by each officer or employee required by this part to file such a statement, not later than June 30, 1966, and periodically thereafter as prescribed in paragraph (i) of this section below. Employees who enter Government service after the effective date of this part, who are required to file a statement of employment and financial interest, shall file such state-

ments within 30 days from the date of commencement of such service. Designees to positions requiring the approval of the Secretary of Defense or the Secretary of a military department shall execute the statement in advance of nomination so that it may be reviewed prior to appointment.

(E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104)

MAURICE W. ROCHE,
*Director, Correspondence and
Directives Division, OASD
(Administration).*

[F.R. Doc. 68-6713; Filed, June 6, 1968;
8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[21,815]

PART 541—DEFINITIONS

District of Columbia Associations

JUNE 4, 1968.

Resolved that the Federal Home Loan Bank Board considers it desirable to amend § 541.2 of the rules and regulations for the Federal Savings and Loan System (12 CFR 541.2) for the purpose of including building and loan and savings and loan associations organized or incorporated under or pursuant to the laws of the District of Columbia in the definition of "Federal association" for the purpose of applying certain portions of the rules and regulations for the Federal Savings and Loan System to such associations, and, for such purpose, said § 541.2 is hereby amended to read as follows, effective June 6, 1968:

§ 541.2 Federal association.

The term "Federal association" means a Federal savings and loan association chartered by the Board as provided in section 5 of the Home Owners' Loan Act of 1933, as amended. As used in §§ 546.1, 546.2, 546.3, and 546.4 of Part 546 of this subchapter, the term "Federal association" also includes any incorporated or unincorporated building, building or loan, building and loan, savings and loan, or homestead association, which has been organized or incorporated under or pursuant to the laws of the District of Columbia.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943-48 Comp., p. 1071)

Resolved further that, since the amendment herein merely extends the provisions of certain existing regulations which have been heretofore effective as to Federal savings and loan associations to District of Columbia building and loan

and savings and loan associations, in accordance with the authorization in the Financial Institutions Supervisory Act of 1966, 80 Stat. 1028, the Federal Home Loan Bank Board finds that notice and public procedure on the amendment is unnecessary and, for the same reason, the Board finds that publication in the FEDERAL REGISTER for not less than 30 days prior to the effective date is unnecessary, and the Board determines that the amendment shall be effective as hereinafter set forth.

By the Federal Home Loan Bank Board.

[SEAL]

JACK CARTER,
Secretary.

[F.R. Doc. 68-6733; Filed, June 6, 1968;
8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67-EA-133]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Revocation of Transition Areas

On February 24, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 3345, 4630) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the controlled airspace in the vicinity of Elkins, W. Va., and consolidate transition areas.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

Subsequent to the issuance of the notice it was discovered that the coordinates lat. 37°40'00" N., long. 79°30'30" W. are superfluous in the description of the proposed West Virginia transition area and should be omitted. Also, lat. 37°40'00" N., long. 79°30'30" W. in the description of the Charlottesville, Va., transition area should be changed to lat. 37°40'00" N., long. 79°30'00" W. Action is taken herein to make these changes. Since these changes are editorial in nature and do not alter the controlled airspace involved, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations, is amended, effective 0901 G.m.t., July 25, 1968, as hereinafter set forth.

Section 71.181 (33 F.R. 2137) is amended as follows:

1. The West Virginia transition area is added as follows:

WEST VIRGINIA

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 39°50'00" N., long. 77°30'00" W.; to lat. 39°16'00" N., long. 77°30'00" W.; to lat. 39°05'26" N., long. 78°12'02" W.; to lat. 38°51'15" N., long. 78°12'21" W.; to lat. 38°43'00" N., long. 78°12'00" W.; to lat. 38°43'00" N., long. 78°58'00" W.; to lat. 38°00'00" N., long. 79°30'00" W.; to lat. 37°00'00" N., long. 79°30'00" W.; to lat. 37°00'00" N., long. 80°25'10" W.; thence counterclockwise via a 15 NM arc centered at Pulaski VOR (lat. 37°05'15" N., long. 80°42'47" W.) to lat. 37°19'25" N., long. 80°49'10" W.; to lat. 37°10'00" N., long. 80°51'30" W.; to lat. 37°05'00" N., long. 82°10'00" W.; to lat. 38°02'00" N., long. 82°15'00" W.; to lat. 38°00'00" N., long. 82°55'00" W.; to lat. 38°45'00" N., long. 83°30'00" W.; to lat. 39°00'00" N., long. 83°00'00" W.; to lat. 39°00'00" N., long. 81°43'40" W.; to lat. 39°40'00" N., long. 81°47'00" W.; to lat. 39°40'00" N., long. 81°30'00" W.; to lat. 39°43'00" N., long. 81°13'00" W.; to lat. 39°53'15" N., long. 81°03'15" W.; thence counterclockwise via a 60-mile radius arc centered on the Imperial VORTAC to lat. 39°42'00" N., long. 80°38'30" W.; to lat. 39°59'00" N., long. 80°29'00" W.; thence counterclockwise via a 37-mile radius arc centered on the Imperial VORTAC to lat. 40°02'00" N., long. 79°51'30" W.; to lat. 39°25'00" N., long. 79°20'00" W.; to lat. 39°25'00" N., long. 78°58'00" W.; to lat. 39°30'00" N., long. 78°58'00" W.; to lat. 39°30'00" N., long. 78°30'00" W.; to lat. 39°50'00" N., long. 77°47'00" W.; thence to point of beginning.

2. In the Bluefield, W. Va., transition area, all after "Bluefield VOR 267° radial," is deleted and "extending from the 8-mile radius area to 22 miles west of the VOR." is substituted therefor.

3. In the Charleston, W. Va., transition area, all after "12 miles northeast of the ILS OM." is deleted.

4. In the Elkins, W. Va., transition area, all after "effective sunrise to sunset," is deleted.

5. In the Martinsburg, W. Va., transition area, all after "Martinsburg Airport, Martinsburg, W. Va." is deleted.

6. In the Morgantown, W. Va., transition area, all after "Morgantown Airport extending clockwise from a 328° bearing to a 192° bearing," is deleted.

7. In the Parkersburg, W. Va., transition area, all after "8 miles northeast of the VOR." is deleted.

8. In the Roanoke, Va., transition area, all after "extending southeast for 20 miles from the VOR." is deleted.

9. In the Charlottesville, Va., transition area, "lat. 37°40'00" N., long. 79°30'30" W." is deleted and "lat. 37°40'00" N., long. 79°30'00" W." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 29, 1968.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 68-6709; Filed, June 6, 1968; 8:45 a.m.]

[Airspace Docket No. 67-EA-128]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Controlled Airspace, Reporting Points, and Jet Routes

On March 30, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 5225) stating that the Federal Aviation Administration was considering amendments which would accomplish the following: Extend J-63 with associated controlled airspace from Kennedy, N.Y., to Tuna INT; designate a new jet route with associated controlled airspace from Sea Isle, N.J., to Shad INT; enlarge Control 1147, Control 1148, and the Wrightstown, N.J., transition area; and designate reporting points at Shad INT.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., July 25, 1968, as hereinafter set forth.

1. Section 71.163 (33 F.R. 2051) is amended as follows:

a. In Control 1147 all after "New York Oceanic Control Area," is deleted, and "and that airspace bounded by a line beginning at latitude 40°02'15" N., longitude 73°13'45" W.; to latitude 40°05'45" N., longitude 73°09'15" W.; to latitude 39°26'35" N., longitude 72°24'25" W.; to the point of beginning. That airspace below 2,000 feet outside the confines of Federal airways is excluded." is substituted therefor.

b. In Control 1148 "excluding the portion below 2,000 feet outside the United States," is deleted, and "and that airspace which is within 5 miles southwest of and parallel to the Sea Isle, N.J., VORTAC 134° radial, extending from Sea Isle to a point 40 miles southeast of Sea Isle. That airspace below 2,000 feet outside the United States is excluded." is substituted therefor.

2. Section 71.181 (33 F.R. 2137) is amended as follows:

a. In the Wrightstown, N.J., transition area, all after "latitude 40°16'10" N., longitude 74°39'20" W.," is deleted, and "thence to the point of beginning; and that airspace extending upward from 2,000 feet above the surface bounded on the northwest by the southeast boundary of V-139, on the northeast by the southwest boundary of Control 1147, and on the south by a line along latitude 39°44'00" N. The airspace within W-107 below 2,000 feet MSL and within Control 1147 is excluded." is substituted therefor.

3. Section 71.209 (33 F.R. 2290) is amended by adding the following:

a. Shad DME INT: Sea Isle, N.J., VORTAC 134° radial, 118 nautical miles from Sea Isle VORTAC.

b. Shad INT: INT of Sea Isle, N.J., 134° and Norfolk, Va., 071° radials.

4. Section 71.161 (33 F.R. 2050) is amended by adding the following:

a. J-63 From Kennedy, N.Y., to Tuna INT.

b. J-153 From Sea Isle, N.J., to Shad INT.

5. Section 75.100 (33 F.R. 2349) is amended as follows:

a. In the caption of Jet Route No. 63 "Kennedy, N.Y.," is deleted, and "Tuna INT" is substituted therefor.

b. The text of Jet Route No. 63 is rewritten as follows:

"From the Tuna INT (INT of Kennedy, N.Y., 143° radial, 128 NM from Kennedy) via Kennedy; Huguenot, N.Y.; to Syracuse, N.Y."

c. Jet Route No. 153 is added as follows:

Jet Route No. 153 (From Shad INT to Sea Isle, N.J.) From Shad INT (INT of Sea Isle, N.J., 134° radial, 118 NM from Sea Isle to Sea Isle.

(Secs. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510; Executive Order 10854; 24 F.R. 9565)

Issued in Washington, D.C., on June 4, 1968.

I. McCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 68-6737; Filed, June 6, 1968; 8:48 a.m.]

[Airspace Docket No. 68-SW-34]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of these amendments to Part 73 of the Federal Aviation Regulations is to realign the common boundary between restricted areas R-5103A and R-5103B. By moving the common boundary toward the southwest, additional unrestricted airspace will be provided (below 20,000 feet MSL) along the northeast boundary of R-5103A, thereby improving IFR procedures between the Holloman and Pinon VORs.

Since these amendments are less restrictive on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 25, 1968, as hereinafter set forth.

In § 73.51 (33 F.R. 2328) Restricted Area R-5103A and R-5103B at McGregor, N. Mex., are amended by deleting the geographic coordinates "latitude 32°35'00" N., longitude 105°30'00" W." from the boundary description of each restricted area and substituting therefor "latitude 32°33'20" N., longitude 105°30'00" W."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 28, 1968.

WILLIAM M. FLENER,
Acting Director,
Air Traffic Service.

[F.R. Doc. 68-6710; Filed, June 6, 1968; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8901; Amdt. 599]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

- Unalakleet, Alaska—Unalakleet, LFR 1, Amdt. 11, 14 Nov. 1964 (established under Subpart C).
- Akron, Ohio—Akron Municipal, NDB (ADF) Runway 25, Amdt. 4, 28 Jan. 1967 (established under Subpart C).
- Beaumont, Tex.—Jefferson Co., ADF 1, Amdt. 6, 9 July 1966 (established under Subpart C).
- Ponca City, Okla.—Ponca City Municipal, ADF 1, Amdt. 6, 21 Sept. 1963 (established under Subpart C).
- Ponca City, Okla.—Ponca City Municipal, ADF 2, Amdt. 2, 31 Aug. 1963 (established under Subpart C).
- Clarksburg, W. Va.—Benedum, VOR-1, Amdt. 3, 4 Apr. 1968 (established under Subpart C).
- Ponca City, Okla.—Ponca City Municipal, VOR 1, Amdt. 3, 21 Sept. 1963 (established under Subpart C).
- Unalakleet, Alaska—Unalakleet, VOR-1, Amdt. 1, 5 Feb. 1968 (established under Subpart C).
- Williston, N. Dak.—Sioulin Field International, VOR 1, Amdt. 2, 10 July 1965 (established under Subpart C).

2. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

- Beaumont, Tex.—Jefferson County, VOR Runway 34, Orig., 7 Dec. 1967, canceled effective 27 June 1968.

3. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

- Akron, Ohio—Akron Municipal, LOC Runway 25, Amdt. 4, 28 Jan. 1967 (established under Subpart C).
- Beaumont, Tex.—Jefferson County, ILS-11, Amdt. 8, 9 July 1966 (established under Subpart C).
- Beaumont, Tex.—Jefferson County, LOC (BC) Runway 29, Amdt. 7, 13 Jan. 1968 (established under Subpart C).

4. By amending § 97.21 of Subpart C to establish low or medium frequency range (L/MF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LFR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes			Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: Upon descent to MDA after completion of procedure turn.
UNK VOR.....	UN LFR.....	Direct.....	2800	If visual contact not established upon descent to MDA, turn right, climb to 2800' on W crs of UN LFR within 15 miles. Supplementary charting information: Terrain rising to 710', 1.9 miles NE of airport; 500', 1 mile NE of airport. Facility to airport, 276°, 2.4 miles.

Procedure turn S side of crs, 270° Outbnd, 090° Inbnd, 1000' within 15 miles of UN LFR.

Shuttle descent below 2800' not authorized. Proceed Outbnd 5 miles on W crs not below 1800' before starting procedure turn.

Final approach crs, 090°.

Descend to MDA immediately after completion of procedure turn.

MSA: ME—3000'; SE—4100'; SW—2900'; NW—3100'.

NOTES: (1) Visual flight required from missed approach point to airport. (2) Maneuvering N through E of airport not authorized.

#Air carrier reduction not authorized.

\$Reduction in visibility not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C-dn.....	500	2	479	500	2	479	500	2	479	580	2	559
A.....	Standard \$			T 2-eng. or less—Standard.#			T over 2-eng.—Standard.#					

City, Unalakleet; State, Alaska; Airport name, Unalakleet; Elev., 21'; Facility, UN; Procedure No. LFR-1, Amdt. 12; Eff. date, 27 June 68; Sup. Amdt. No. LFR 1, Amdt. 11; Dated, 14 Nov. 64

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5. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: BPT VOR.	
Winnle Int.	China Int.	Direct	1500	Climb to 1500' left turn to R 049°, BPT VOR to Peveto Int. Supplementary charting information: China Int: BPT R 248°; SBI R 301°. Robert Int: BPT R 248°; SBI R 335°. Refinery 160' at 29°57'57"/90°02'57".	
China Int.	Robert Int.	Direct	1500		

Procedure turn not authorized. Approach crs (profile) starts at China Int.
Final approach crs, 068°.
Minimum altitude over China Int., 1500'; over Robert Int., 1500'.
MSA: 000°-360°-2000'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	460	1	444	480	1	464	480	1½	464	580	2	564
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Beaumont; State, Tex.; Airport name, Jefferson County; Elev., 16'; Facility, BPT; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 27 June 68

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: BPT VOR.	
Waterway Int.	Cooper Int.	Direct	1500	Climb to 1500' right turn via BPT ILS front crs to Mitchell Int. Supplementary charting information: Cooper Int BPT R 069°, SBI R 033°. Audrey Int, BPT R 069°, SBI R 015°. Show 336' tower at 29°58'/03°55' near Audrey Int.	
Cooper Int.	Audrey Int.	Direct	1500		

Procedure turn not authorized. Approach crs (profile) starts at Cooper Int.
Final approach crs, 249°.
Minimum altitude over Cooper Int., 1500'; over Audrey Int., 1500'.
MSA: 000°-360°-2000'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	460	1	444	480	1	464	480	1½	464	580	2	564
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Beaumont; State, Tex.; Airport name, Jefferson County; Elev., 16'; Facility, BPT; Procedure No. VOR-2, Amdt. Orig.; Eff. date, 27 June 68

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: BPT VOR.	
DAS VOR	Compass Int (NOPT)	DAS R 084° and BPT R 300°	1500	Climb to 1500' left turn via BPT ILS back crs to March Int. Supplementary charting information: Compass Int: BPT VOR R 300°; SBI R 342°. Final approach crs intercepts runway centerline 4660' from threshold. Refinery 160' at 29°57'57"/90°02'57". TDZ elevation, 16'.	
SBI VORTAC	Compass Int.	Direct	1500		

Procedure turn S side of crs, 300° Outbnd, 120° Inbnd, 1500' within 10 miles of Compass Int.
FAF, Compass Int. Final approach crs, 120°.
Minimum altitude over Compass Int, 1500'.
MSA: 000°-360°-2000'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11	420	½	404	420	½	404	420	½	404	420	1	404
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	460	1	444	480	1	464	480	1½	464	580	2	564
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Beaumont; State, Tex.; Airport name, Jefferson County; Elev., 16'; Facility, BPT; Procedure No. VOR Runway 11, Amdt. Orig.; Eff. date, 27 June 68

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STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.6 miles after passing CKB VOR.
Elkins VORTAC	Lost Creek Int.	Direct	4000	Climb to 3200' on R 043° CKB VOR within 10 miles and return to CKB VOR, and hold. Supplementary charting information: Hold SW, 1-minute left turns, 043° Inbnd, 2049' antenna 3.7 miles NW of CKE VOR.
Lost Creek Int.	CKB VOR (NOPT)	Direct	2400	

Procedure turn W side of crs, 223° Outbnd, 043° Inbnd, 3200' within 10 miles of CKB VOR.

FAF, CKB VOR. Final approach crs, 043°. Distance FAF to MAP, 2.6 miles.

Minimum altitude over CKB VOR, 2400'.

MSA: 000°-090°-4000'; 090°-180°-4700'; 180°-270°-3200'; 270°-360°-3100'.

*Alternate weather minimums of 1000-2 authorized for those who have approved arrangement for weather service at the airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1920	1	717	1920	1	717	2080	1 3/4	877	2120	2	917
A	Not authorized.*			T 2-eng. or less—300-1.			T over 2-eng.—300-1.					

City, Clarksburg; State, W. Va.; Airport name, Benedum; Elev., 1203'; Facility, CKB; Procedure No. VOR Runway 3, Amdt. 4; Eff. date, 27 June 68; Sup. Amdt. No. VOR-1, Amdt. 3; Dated, 4 Apr. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.5 miles after passing SOK VORTAC.
				Climb to 4000' right turn to heading 160° to intercept SOK R 122° (V14). Climb southeastbound on V14. Supplementary charting information: Warning area 510 limits procedure turn to 9 miles. UNICOM 122.8 at Koloa. Airport not lighted. Hill 2 miles N of SOK VORTAC, 900'. TDZ elevation, 415'.

Procedure turn S side of crs, 258° Outbnd, 078° Inbnd, 3000' within 9 miles of SOK VORTAC.

FAF, SOK VORTAC. Final approach crs, 078°. Distance FAF to MAP, 2.5 miles.

Minimum altitude over SOK VORTAC, 1400'.

MSA: 045°-135°-4300'; 135°-225°-3100'; 225°-315°-3300'; 315°-045°-7200'.

NOTES: (1) Use Lihue altimeter setting. (2) Night and alternate minimums not authorized. (3) Private airport. Prior approval required for landing.

CAUTION: Procedure not wholly within controlled airspace.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
S-8	980	1	565									
	MDA	VIS	HAA									
C	980	1	565									
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Koloa; Island, Kanai; State, Hawaii; Airport name, Poipu; Elev., 415'; Facility, SOK; Procedure No. VOR Runway 8, Amdt. Orig.; Eff. date, 27 June 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.1 miles PNC VORTAC R 101°.
PNC R 318°, Counterclockwise	PNC R 281°	20-mile arc PNC, R 287° lead radial.	2900	Climb to 2600' on R 101° of the PNC VOR turn left and return to VOR. Supplementary charting information: Depict: MAP—3.1 mile DME, R 101°.
PNC R 271°, Clockwise	PNC R 281°	20-mile arc PNC, R 275° lead radial.	2900	
20-mile DME arc	7-mile DME PNC, R 281°	PNC R 281°	2600	
7-mile DME, R 281°	PNC VORTAC (NOPT)	PNC R 281°	2000	

Procedure turn S side of crs, 281° Outbnd, 101° Inbnd, 2600' within 10 miles of PNC VORTAC.

FAF, PNC VORTAC. Final approach crs, 101°. Distance FAF to MAP, 3.1 miles.

Minimum altitude over PNC VORTAC, 2000'.

MSA: 000°-090°-2600'; 090°-360°-2500'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1460	1	453	1500	1	493	1500	1 1/2	493		NA	
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Ponca City; State, Okla.; Airport name, Ponca City Municipal; Elev., 1007'; Facility, PNC; Procedure No. VOR-1, Amdt. 4; Eff. date, 27 June 68; Sup. Amdt. No. VOR 1, Amdt. 3; Dated, 21 Sept. 63

RULES AND REGULATIONS

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: SNY VORTAC.
				Climb to 5800' on R 115°, left turn to SNY VORTAC. Hold on R 115°, right turns. Supplementary charting information: Final approach crs crosses threshold of Runway 12. Tower 2 miles S of airport 4787'.

Procedure turn W side of crs, 310° Outbnd, 130° Inbnd, 5800' within 10 miles of SNY VORTAC.

Final approach crs, 130°.

Minimum altitude over 3-mile DME Fix, 4920'.

MSA: 180°-270°-5900'; 270°-180°-5800'.

NOTE: Inoperative table does not apply to HIRL Runway 12.

% When weather is below 500-1, IFR departures Runway 12 will climb to 5000' before turning S or W.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-12.....	4920	1	608	4920	1	608	4920	1	608	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C.....	4920	1	608	4920	1	608	4920	1½	608	NA
VOR/DME Minimums:										
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-12.....	4640	1	328	4640	1	328	4640	1	328	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C.....	4680	1	368	4780	1	468	4780	1½	468	NA
A.....	Standard.			T 2-eng. or less—Standard. %			T over 2-eng.—Standard. %			

City, Sidney; State, Nebr.; Airport name, Sidney Municipal; Elev., 4312'; Facility, SNY; Procedure No. VOR Runway 12, Amdt. Orig.; Eff. date, 27 June 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: SNY VORTAC.
				Climb to 5800' on R 308°, left turn to SNY VORTAC. Supplementary charting information: Final approach crs intercepts runway centerline extended at 3000'. Tower 2 miles S of airport 4787'.

Procedure turn E side of crs, 113° Outbnd, 293° Inbnd, 5800' within 10 miles of SNY VORTAC.

Final approach crs, 293°.

Minimum altitude over 3-mile DME Fix, 4640'.

MSA: 180°-270°-5900'; 270°-180°-5800'.

NOTE: Inoperative table does not apply to HIRL Runway 30.

% When weather is below 500-1, IFR departures Runway 12 will climb to 5000' before turning S or W.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-30.....	4640	1	328	4640	1	328	4640	1	328	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C.....	4680	1	368	4780	1	468	4780	1½	468	NA
VOR/DME Minimums:										
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-30.....	4580	1	268	4580	1	268	4580	1	268	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C.....	4680	1	368	4780	1	468	4780	1½	468	NA
A.....	Standard.			T 2-eng. or less—Standard. %			T over 2-eng.—Standard. %			

City, Sidney; State, Nebr.; Airport name, Sidney Municipal; Elev., 4312'; Facility, SNY; Procedure No. VOR Runway 30, Amdt. Orig.; Eff. date, 27 June 68

RULES AND REGULATIONS

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STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: Upon descent to MDA after completion of procedure turn.
UN LFR.....	UNK VOR.....	Direct.....	2800	If visual contact not established upon descent to MDA, turn left, climb to 2800' on R 205° within 15 miles. Supplementary charting information: Terrain rising to 710' 1.9 miles NE of airport; 500' 1 mile NE of airport.

Procedure turn N side of crs, 205° Outbnd, 025° Inbnd, 1000' within 15 miles of UNK VOR.
Shuttle descent below 2800' not authorized. Proceed outbound 5 miles on R 205° not below 1800' before starting procedure turn.
Final approach crs, 043°.
Descent to MDA immediately after completion of procedure turn.
MSA: 000°-090°-3900'; 090°-180°-4100'; 180°-270°-2900'; 270°-360°-3100'.
NOTES: (1) Visual flight required from missed approach point to airport. (2) Maneuvering N through E of airport not authorized.
#Air Carrier reduction not authorized.
\$Reduction in visibility not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C-dn.....	500	2	479	500	2	479	500	2	479	580	2	559
A.....	Standard.\$		T 2-eng. or less—Standard.#						T over 2-eng.—Standard.#			

City, Unalakleet; State, Alaska; Airport name, Unalakleet; Elev., 21'; Facility, UNK; Procedure No. VOR-1, Amdt. 2; Eff. date, 27 June 68; Sup. Amdt. No. 1; Dated, 5 Feb. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.1 miles after passing ISN VOR.
				Climb to 4000' on R 121° ISN VOR within 10 miles, return to VOR. Supplementary charting information: LRCO 123.6 (MOT). TDZ elevation, 1940'.

Procedure turn W side of crs, 301° Outbnd, 121° Inbnd, 4000' within 10 miles of ISN VOR.
FAF, ISN VOR. Final approach crs, 121°. Distance FAF to MAP, 6.1 miles.
Minimum altitude over ISN VOR, 3700'.
MSA: 000°-180°-3800'; 180°-270°-4300'; 270°-360°-3500'.
CAUTION: Runways 3/21 unlighted.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11.....	2560	1	620	2560	1	620	2560	1	620	2560	1½	620
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	2560	1	620	2560	1	620	2560	1½	620	2560	2	620
A.....	Standard.		T 2-eng. or less—Standard.						T over 2-eng.—Standard.			

City, Williston; State, N. Dak.; Airport name, Slogdin Field International; Elev., 1940'; Facility, ISN; Procedure No. VOR Runway 11, Amdt. 3; Eff. date, 27 June 68; Sup. Amdt. No. VOR 1, Amdt. 2; Dated, 10 July 65

RULES AND REGULATIONS

6. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 11.7 mile DME Fix R 124°.	
GSW VORTAC.....	Stack Int.....	Direct.....	2500	Climb to 2500' on R 124° within 20 miles. Supplementary charting information: Tower 2 miles S of airport 1000'. Tower 2.5 miles NW of airport 949'. Tower 1.5 miles NW of airport 830'. TDZ elevation 660'.	

Procedure turn not authorized. Approach crs (profile) starts at Stack Int.

Final approach crs, 124°.

Minimum altitude over Stack Int, 2500'; over 9-mile DME Fix, 1200'.

MSA: 090°-180°-3400'; 180°-270°-2800'; 270°-090°-2300'.

NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS	
S-13.....	1100	1	440	1100	1	440	1100	1	440	NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C.....	1160	1	500	1160	1	500	1160	1½	500	NA	
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.				

City, Dallas; State, Tex.; Airport name, Redbird; Elev., 660'; Facility, GSW; Procedure No. VOR/DME Runway 13, Amdt. 1; Eff. date, 27 June 68; Sup. Amdt. No. Orig.; Dated, 23 May 68

7. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.7 miles after passing AKR LOM.	
Akron VOR.....	AKR LOM (NOPT).....	R 259°, ACO VOR.....	2400	Climb straight ahead to 3000', turn right to a 360° heading, intercept R 274° of ACO VOR, proceed to ACO VOR, hold. Supplementary charting information: hold E, 1-minute right turns, 274° Inbnd. TDZ elevation, 1050'.	
Briggs VOR.....	AKR LOM.....	Direct.....	2800		
Sharon Int.....	AKR LOM.....	Direct.....	3000		

Procedure turn S side of crs, 066° Outbnd, 246° Inbnd, 2800' within 10 miles of AKR LOM.

FAF, AKR LOM. Final approach crs, 246°. Distance FAF to MAP, 3.7 miles.

Minimum altitude over AKR LOM, 2400'.

Distance to runway threshold at OM, 3.7 miles.

MSA: 060°-090°-2700'; 090°-180°-2800'; 180°-270°-3100'; 270°-360°-3100'.

NOTES: (1) Radar vectoring. (2) Back crs unusable. (3) Components inoperative table does not apply to HIRL Runway 25.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S.....	1500	1	450	1500	1	450	1500	1	450	1500	1	450
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1700	1	641	1700	1	641	1700	1½	641	1700	2	641
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Akron; State, Ohio; Airport name, Akron Municipal; Elev., 1059'; Facility, I-AKR; Procedure No. LOC Runway 25, Amdt. 5; Eff. date, 27 June 68; Sup. Amdt. No. 4; Dated, 28 Jan. 67

RULES AND REGULATIONS

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STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

Terminal routes				Minimum altitudes (feet)	Missed approach MAP: 4.9 miles after passing Groves Int.
From—	To—	Via			
Marsh Int.	Groves Int (NOPT)	Direct		1000	Climb to 1500' on NW crs ILS to Mitchell Int. Supplementary charting information: Delete 162' tower approximately 1.5 miles W of airport on AL 521; tower does not exist. TDZ elevation, 15'.
BPT VOR	Groves Int.	Direct		1500	
ILS LOM	Groves Int.	Direct		1500	

Procedure turn N side of crs, 114° Outbnd, 294° Inbnd, 1500' within 10 miles of Groves Int.
FAF, Groves Int. Final approach crs, 294°. Distance FAF to MAP, 4.9 miles.
Minimum altitude over Groves Int, 1000'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-29	400	1	385	400	1	385	400	1	385	400	1	385
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	400	1	444	480	1	464	480	1½	464	580	2	564
A	Standard.			T 2-eng. or less—RVR 24, Runway 11, Standard all other runways.				T over 2-eng.—RVR 24, Runway 11 Standard all other runways.				

City, Beaumont; State, Tex.; Airport name, Jefferson County; Elev., 16'; Facility, I-BPT; Procedure No. LOC(BC) Runway 29, Amdt. 8; Eff. date, 27 June 68; Sup. Amdt. No. 7; Dated, 13 Jan. 68

8. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Minimum altitudes (feet)	Missed approach MAP: 3.7 miles after passing AKR LOM.
From—	To—	Via			
Akron VOR	AKR NDB (NOPT)	R 250°, ACO VOR		2400	Climb straight ahead to 3000', turn right to a 360° heading, intercept R 274° of ACO VOR, proceed to ACO VOR, hold. Supplementary charting information: Hold E, 1-minute right turns, 274° inbound. TDZ elevation, 1050'.
Briggs VOR	AKR NDB	Direct		2800	
Sharon Int.	AKR NDB	Direct		3000	

Procedure turn S side of crs, 066° Outbnd, 246° Inbnd, 2800' within 10 miles of AKR LOM.
FAF, AKR LOM. Final approach crs, 246°. Distance FAF to MAP, 3.7 miles.
Minimum altitude over AKR LOM, 2400'.
MSA: 000°-090°-2700'; 090°-180°-2800'; 180°-270°-3100'; 270°-360°-3100'.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S	1600	1	550	1600	1	550	1600	1	550	1600	1¼	550
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
A	1700	1	641	1700	1	641	1700	1½	641	1700	2	641
O	Standard.			T 2-eng. or less—Standard.				T over 2-eng.—Standard.				

City, Akron; State, Ohio; Airport name, Akron Municipal; Elev., 1059'; Facility, AKR; Procedure No. NDB (ADF) Runway 25, Amdt. 5; Eff. date, 27 June 68; Sup. Amdt. No. 4; Dated, 28 Jan. 67

RULES AND REGULATIONS

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB(ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.8 miles after passing BP LOM.
BPT VOR	LOM	Direct	1500	Climb to 1500' on crs 114° within 15 miles. Supplementary charting information: Refinery 160', 29°57'57"/94°02'57". Delete 162' tower shown on AL 521 approximately 1.5 miles W of airport. Tower does not exist. TDZ elevation 10'.
Mitchell Int.	LOM (NOPT)	Direct	1400	

Procedure turn S of crs, 294° Outbnd, 114° Inbnd, 1500' within 10 miles of LOM.
FAF, BP LOM. Final approach crs, 114°. Distance FAF to MAP, 4.8 miles.
Minimum altitude over LOM, 1400'.
MSA: 000-360°—2000'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11	460	¾	444	460	¾	444	460	¾	444	460	1	444
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	460	1	444	480	1	464	480	1½	464	580	2	564
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Beaumont; State, Tex.; Airport name, Jefferson County; Elev., 16'; Facility, BP; Procedure No. NDB (ADF) Runway 11, Amdt. 7; Eff. date, 27 June 68; Sup. Amdt. No. ADF 1, Amdt. 6; Dated, 9 July 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: CRE NDB.
				Climb to 1600', 235° bearing CRE NDB. Supplementary charting information: UNICOM 122.8. TDZ elevation, 30'.

Procedure turn S side of crs, 055° Outbnd, 235° Inbnd, 1600' within 10 miles of CRE NDB.
Final approach crs, 235°.
Minimum altitude over CRE NDB, 460'.
MSA: 000°-180°—1300'; 180°-270°—1400'; 270°-360°—1700'.
NOTES: (1) Radar vectoring. (2) Use Myrtle Beach altimeter setting when control zone not effective.
#Limited weather information available to public. Alternate usage authorized for air carriers only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-23	460	1	430	460	1	430	460	1	430	460	1	430
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	447	500	1	467	500	1½	467	600	2	567
A	Standard.#			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Crescent Beach; State, S.C.; Airport name, Myrtle Beach; Elev., 33'; Facility, CRE; Procedure No. NDB (ADF) Runway 23, Amdt. Orig.; Eff. date, 27 June 68

RULES AND REGULATIONS

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STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB(ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: CWN NDB.
Hiram Int.....	CWN NDB.....	Direct.....	4200	Left climbing turn. Climb in holding pattern to 4200' and hold. Supplementary charting information: Hold SE of CWN NDB, 325° inbnd, 1-minute, left turns. 1840' terrain 1.6 miles and 2370' terrain 2.8 miles NE of airport.
Whitefield NDB.....	CWN NDB.....	Direct.....	8400	
Montpelier VOR.....	CWN NDB.....	Direct.....	7300	
Lebanon VOR.....	CWN NDB.....	Direct.....	6200	

Procedure turn W side of crs, 145° Outbnd, 325° Inbnd, 4200' within 10 miles of CWN NDB.
Final approach crs, 325°.
Minimum altitude over CWN NDB, 2720'.
MSA: 000°-090°-7400'; 090°-180°-4300'; 180°-270°-5200'; 270°-360°-7400'.
NOTES: (1) Use Concord altimeter setting. (2) State-owned facility must be monitored aurally during approach. (3) Approach from a holding pattern not authorized, procedure turn required.
*Night minimums not authorized.
IFR departure: Depart CWN NDB IFR at 2000' climbing on 165° bearing to 3200'. Left climbing turn to 4200' and the 145° bearing. Direct CWN NDB 325° inbnd. Climb to airway MEA in the holding pattern.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
*C.....	2720	3	2225	2720	3	2225	NA			NA		
A.....	Not authorized.			T 2-eng. or less-1500-2.			T over 2-eng.—Not authorized.					

City, North Conway; State, N.H.; Airport name, White Mountain; Elev., 495'; Facility, CWN; Procedure No. NDB (ADF) Runway 33, Amdt. Orig.; Eff. date, 27 June 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: PNC NDB.
PNC VORTAC.....	PNC NDB.....	Direct.....	2600	Climb to 2600' on crs of 036°, turn left and return to PNC NDB.

Procedure turn S side of crs, 216° Outbnd, 036° Inbnd, 2600' within 10 miles of PNC NDB.
Final approach crs, 036'.
MSA: 000°-090°-2600'; 090°-360°-2500'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1560	1	553	1560	1	553	1560	1½	553	NA		
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Ponca City; State, Okla.; Airport name, Ponca City Municipal; Elev., 1007'; Facility, PNC; Procedure No. NDB (ADF)-1, Amdt. 7; Eff. date, 27 June 68; Sup. Amdt. No. ADF 1, Amdt. 6; Dated, 21 Sept. 63

RULES AND REGULATIONS

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB(ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: PNC NDB.
PNC VORTAC.....	PNC NDB.....	Direct.....	2600	Climb to 2600' on crs of 210°, turn right and return to PNC NDB. Supplementary charting information: TDZ elevation, 1003'.

Procedure turn W side of crs, 353° Outbnd, 173° Inbnd, 2600' within 10 miles of PNC NDB.
Final approach crs, 173°.
Minimum altitude over Kildare Int, 1540'.
MSA: 000°-090°-2600'; 090°-360°-2500'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-17.....	1540	1	537	1540	1	537	1540	1	537	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C.....	1540	1	533	1540	1	533	1540	1½	533	NA
NDB/VOR Minimums:										
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-17.....	1400	1	397	1400	1	397	1400	1	397	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C.....	1500	1	493	1500	1	493	1500	1½	493	NA
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Ponca City; State, Okla.; Airport name, Ponca City Municipal; Elev., 1007'; Facility, PNC NDB; Procedure No. NDB(ADF) Runway 17, Amdt. 3; Eff. date, 27 June 68; Sup. Amdt. No. ADF 2, Amdt. 2; Dated, 31 Aug. 63

9. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: Graham NDB.
MWL VORTAC.....	Graham NDB.....	Direct.....	2800	Climbing left turn turn to 2800' direct to GHX NDB and hold. Supplementary charting information: Hold N of Graham NDB on bearing 005°-185° Inbnd, left turns 1 minute. Depict 1600' tower ¼ mile SW of airport.
Chapel VHF Int.....	Graham NDB.....	Direct.....	2800	
Archer VHF Int.....	Graham NDB.....	Direct.....	2800	
Woodson VHF Int.....	Graham NDB.....	Direct.....	2800	

Procedure turn E side of crs, 005° Outbnd, 185° Inbnd, 2800' within 10 miles of Graham NDB.
Final approach crs, 185°.
Minimum altitude over Graham NDB, 1740'.
MSA: 000°-360°-2800'.
NOTE: Use Mineral Wells, Tex., FSS altimeter setting.
*Circling not authorized W of airport defined by runway centerlines extended.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C.....	1740	1	617	1740	1	617	NA	NA
A.....	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.	

City, Graham; State, Tex.; Airport name, Graham Municipal; Elev., 1123'; Facility, GHX; Procedure No. NDB (ADF) Runway 17, Amdt. 1; Eff. date, 27 June 68; Sup. Amdt. No. Orig.; Dated 23 May 68

10. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—Type ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR. If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum Altitudes (feet)	MAP: ILS DH, 216'. LOC 4.8 miles after passing BP LOM.
BPT VOR.....	LOM.....	Direct.....	1500	Climb to 1500' on SE crs ILS within 15 miles. Supplementary charting information: Refinery 160' at 29°57'57"/90°02'57". Delete 162' tower shown on AL 521 approximate 1.5 miles W of airport; tower does not exist. TDZ elevation, 16'.
Marsh Int.....	LOM.....	Direct.....	1500	
Honey Int.....	Gilberg Int.....	SBI R 328°.....	1500	
Gilberg Int.....	Mitchell Int.....	ILS Front Course.....	1500	
Mitchell Int.....	LOM (NOPT).....	Direct.....	1400	

Procedure turn S side of crs, 294° Outbnd, 114° Inbnd, 1500' within 10 miles of LOM.
FAF, BP LOM. Final approach crs, 114°. Distance FAF to MAP, 4.8 miles.
Minimum glide slope interception altitude, 1400'. Glide slope altitude at OM, 1344'; at MM, 202'.
Distance to runway threshold at OM, 4.8 miles, at MM, 0.6 mile.
MSA: 009°-360°-2000'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-II.....	216	RVR 24	200	216	RVR 24	200	216	RVR 24	200	216	RVR 24	200
LOC.....	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-II.....	420	½	404	420	½	404	420	½	404	420	¾	404
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	460	1	444	480	1	464	480	1½	464	580	2	564
A.....	Standard.			T 2-eng or less—RVR 24, Runway 11; Standard all other runways.			T over 2-eng—RVR 24, Runway 11; Standard all other runways.					

City, Beaumont; State, Tex.; Airport name, Jefferson County; Elev., 16'; Facility, I-BPT; Procedure No. ILS Runway 11, Amdt. 9; Eff. date, 27 June 68; Sup. Amdt. No. ILS-11, Amdt. 8; Dated, 9 July 66

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on May 21, 1968.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 68-6418; Filed, June 6, 1968; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Domestic Origin Marking for Product Containing Foreign Made Components

Correction

In F.R. Doc. 68-4615 appearing at page 5943 of the issue for Thursday, April 18, 1968, paragraph (b) of § 15.224 should read as follows:

(b) The Commission was of the opinion that the proposed marking would constitute an affirmative claim that the product was entirely of domestic origin and such claim would be manifestly incorrect and actionable.

SUBCHAPTER D—TRADE REGULATION RULES

PART 414—DECEPTION AS TO TRANSISTOR COUNT OF RADIO RECEIVING SETS, INCLUDING TRANSCEIVERS

The Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Subpart F, Part 1 of the Commission's procedures and rules of practice, 16 CFR 1.61, et seq. (amended June 13, 1967, as Subpart B, Part 1, 32 F.R. 8444), has conducted a proceeding for the promulgation of a Trade Regulation Rule regarding deception as to transistor count of radio receiving sets, including transceivers or so-called walkie-talkies. Notice of this proceeding, including a proposed rule, was published in the FEDERAL REGISTER on July 21, 1967 (32 F.R. 10753). Interested parties were thereafter afforded opportunity to participate in the proceeding through the submission of written data, views, and arguments and to appear and orally express their views as to the proposed rule and to suggest amendments, revisions and additions thereto.

The Commission has now considered all matters of fact, law, policy, and discretion; including the data, views, and arguments presented by interested parties in response to the notice and has determined that the adoption of the Trade Regulation Rule and statement of its basis and purpose set forth herein is in the public interest.

STATEMENT OF BASIS AND PURPOSE

Sec.

- 414.1 Basis of the proceeding.
- 414.2 Purpose of the rule.
- 414.3 The practice involved.
- 414.4 Deceptive character of the practice.
- 414.5 Data, views, and arguments concerning the rule.

THE RULE

- 414.6 The rule.

AUTHORITY: The provisions of this Part 414 issued under 38 Stat. 717, as amended; 15 U.S.C. 41-58.

STATEMENT OF BASIS AND PURPOSE

§ 414.1 Basis of the proceeding.

This proceeding was initiated by the Commission after consideration of complaints by industry members and articles on the subject appearing in trade journals and national publications to the effect that many marketers of the lower priced radio receiving sets were including in the claimed transistor count for their sets dummy transistors and transistors wired as diodes.

§ 414.2 Purpose of the rule.

The purpose of this rule is to inform all members of the industry and other interested or affected parties of the Commission's position with respect to the practices in question and to aid the Commission in the prevention of practices violative of section 5 of the Federal Trade Commission Act on an equitable and industrywide basis.

§ 414.3 The practice involved.

Marketers of radio receiving sets, especially the less expensive imported sets, have represented that their products contain a specified number or count of transistors when in fact one or more of such transistors are either dummy transistors (nonfunctioning), or perform some function other than the detection, amplification, and reception of radio signals. Often included in the computation of transistor count are transistors which are utilized as diodes or which perform auxiliary or other functions none of which serve to detect, amplify and receive radio signals. Also included in the transistor count computation may be transistors used in parallel or cascade applications which do not improve the performance capabilities of a radio in the detection, amplification and reception of radio signals.

§ 414.4 Deceptive character of the practice.

(a) With the advent of the radio receiving set, the purchasing public acquired a belief that the greater the number of functioning tubes in a radio the better it performs. Great emphasis in advertising and otherwise was placed on tube count. As early as 1942 the Commission found in a litigated case¹ that a substantial portion of the purchasing public believes that the greater the number of tubes in a receiving set, the greater will be its power of detecting, amplifying, and receiving signals. The record of this proceeding shows that transistors are now used in place of vacuum tubes in many radio receiving sets. Great emphasis has now been placed on transistor count. The Commission is of the view that the purchasing public's belief that the greater the number of tubes in a

¹ In re Zenith Radio Corp., Docket 4174, 35 FTC 579. Petition to review denied 143 F. (2d) 29.

radio the better and more powerful the radio has shifted to a similar belief with respect to the number of transistors.

(b) On the basis of its accumulated knowledge and experience and the record in this proceeding the Commission concludes that the practice of including in the transistor count computation of a radio, transistors which are dummies or which perform a function other than the detection, amplification, and reception of radio signals or which are used in parallel or cascade applications which do not improve the performance capabilities of the radio in the reception, detection, and amplification of radio signals, is deceptive and tends to divert business from competitors who do not misrepresent the transistor count of their products. The Commission further concludes that such practice is violative of section 5 of the Federal Trade Commission Act, and that the public interest in preventing this practice is specific and substantial.

§ 414.5 Data, views, and arguments concerning the rule.

(a) Some interested parties argue that the adoption of a rule prohibiting the inclusion in the transistor count of transistors which are not used for detection, amplification, and reception of radio signals is too restrictive; that it excludes from such count transistors which perform a multiplicity of other functions not directly related to detection, amplification, and reception of signals but which are nevertheless necessary to the performance of the set; and that this will discourage development of additional functions in transistor electronic equipment. Transistors are versatile devices, capable of performing various functions in a radio. Their functions include, but are not limited to, use as diodes and rectifiers, and in audio amplification, automatic frequency control, power supply, voltage regulation, and switching from monophonic to stereophonic operations. None of the transistors so utilized, however, perform the functions of detection, amplification, and reception of radio signals.

(b) The Commission would not regard it as deceptive for an advertisement stating the actual number of transistors in a radio set (computed without the inclusion of transistors which function as diodes or which perform functions not directly related to detection, amplification, and reception of radio signals) to contain a further statement to the effect that the set, in addition, contains a stated number of transistors acting as diodes or performing such other functions. The Commission however regards it as deceptive (and thus improper) to include in the transistor count computation, transistors which are paralleled or cascaded and which perform no function in the detection, amplification, and reception of radio signals or dummy transistors which serve no useful purpose.

THE RULE

§ 414.6 The rule.

The Commission hereby promulgates, as a Trade Regulation Rule, its conclusions and determination that in connection with the sale or offering for sale of radio receiving sets (including transceivers), in commerce, as "commerce" is defined in the Federal Trade Commission Act, it is an unfair method of competition and an unfair and deceptive act or practice to represent directly or by implication, that any such radio sets contain a specified number of transistors when one or more of such transistors: (a) Are dummy transistors, (b) do not perform the recognized and customary functions of radio set transistors in the detection, amplification, and reception of radio signals, or (c) are used in parallel or cascade applications which do not improve the performance capabilities of such sets in the reception, detection, and amplification of radio signals: *Provided, however,* That nothing in this rule should be construed to prohibit, in connection with a statement as to the actual transistor count (computed without inclusion of transistors which do not perform the functions of detection, amplification, and reception of radio signals), a further statement to the effect that the sets in addition contain one or more transistors acting as diodes or performing auxiliary or other functions when such is the fact (e.g., "6 transistors plus one diode").

Effective date of the rule. This rule becomes effective on December 10, 1968.

Adopted: May 14, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-6670; Filed, June 6, 1968;
8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 68-147]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Cheese From Canada

The Bureau has determined that effective April 1, 1968, no bounties or grants within the purview of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) are being, or are likely to be, paid or bestowed upon the manufacture, production, or export of cheese, 93-94 score, from whole milk, of the cheddar type, including "washed curd," and 93-94 score, blue vein cheese of the Roquefort type manufactured in Canada imported directly or indirectly into the United States.

Treasury Decisions 50093 and 53182 are hereby superseded with respect to cheese, 93-94 score, from whole milk, of the cheddar type, including "washed curd," and 93-94 score, blue vein cheese

of the Roquefort type manufactured or produced in Canada on or after April 1, 1968, which are or will be entered, or withdrawn from warehouse for consumption, and which have not been liquidated or the liquidation of which has not become final, on the date of publication of this Treasury decision in the FEDERAL REGISTER.

The table in § 16.24(f) of the Customs Regulations is amended by inserting the number of this Treasury decision immediately following the numbers 50093 and 53182 in the column headed "Treasury Decision" and the words "Discontinued as to cheese manufactured on or after April 1, 1968" in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759;
19 U.S.C. 66, 1303, 1624)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: May 29, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary
of the Treasury.

[F.R. Doc. 68-6717; Filed, June 6, 1968;
8:46 a.m.]

Chapter II—United States Tariff Commission

PART 200—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Outside Employment and Other Activities

In order to conform to instructions issued by the Civil Service Commission pursuant to its authority under section 601 of Executive Order 11222 of May 8, 1965, and 5 U.S.C. 7301 (formerly 5 U.S.C. 631), § 200.735-106 of Part 200 of Title 19 of the Code of Federal Regulations is amended to read as follows:

§ 200.735-106 Outside employment and other activities.

(a) An employee may engage in outside employment or other outside activity not incompatible with the full and proper discharge of the duties and responsibilities of his Government employment: *Provided,* That no Commissioner shall actively engage in any other business, vocation, or employment than that of serving as a Commissioner (19 U.S.C. 1330(c)). Incompatible activities include but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest; or

(2) Outside employment tending to impair the employee's capacity to perform his Government duties and responsibilities in an acceptable manner.

(b) An employee (except a special Government employee) shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Government (18 U.S.C. 209).

(c) Employees are encouraged to engage in teaching, lecturing, and writing

that is not prohibited by law, the Executive order, or this part. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Commission gives authorization for the use of nonpublic information (other than information received in confidence) on the basis that the use is in the public interest and would not be in violation of law. In addition, Commissioners shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Commission, or which draws substantially on official data or ideas which have not become part of the body of public information.

(d) This section does not preclude an employee from:

(1) Participation in the activities of national or State political parties not proscribed by law.

(2) Participation in the affairs of, or acceptance of, an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

Effective date. This amendment is effective on publication in the FEDERAL REGISTER and has the approval of the Civil Service Commission.

[SEAL] STANLEY D. METZGER,
Chairman, U.S. Tariff Commission.

[F.R. Doc. 68-6715; Filed, June 6, 1968;
8:46 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (ALSO LABOR STANDARDS PROVISIONS APPLICABLE TO NONCONSTRUCTION CONTRACTS SUBJECT TO THE CONTRACT WORK HOURS STANDARDS ACT)

PART 7—PRACTICE BEFORE WAGE APPEALS BOARD

Miscellaneous Amendments

On pages 5102 and 5103 of the FEDERAL REGISTER of March 28, 1968, there was published a notice of proposed amendments of rules to conform certain provisions of 29 CFR 5 and 7 to Secretary's Order 21-67 (32 F.R. 14802). Interested

persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed amendments.

No comments have been received. The proposed amendments to the regulations are hereby adopted without change. They are set forth below.

Effective date. These amendments of the regulations shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 31st day of May 1968.

WILLARD WIRTZ,
Secretary of Labor.

1. In 29 CFR 5.6, subparagraph (1) of paragraph (c) is revised to read as follows:

§ 5.6 Enforcement.

(c) (1) Whenever as a result of an investigation conducted by the Agency or the Department of Labor, the Deputy Administrator of the Wage and Hour and Public Contracts Divisions, Department of Labor, finds reasonable cause to believe that a contractor or subcontractor has committed willful or aggravated violations of the labor standards provisions of any of the statutes listed in § 5.1 (other than the Davis-Bacon Act), or has committed violations of the Davis-Bacon Act which constitute a disregard of its obligations to employees or subcontractors under section 3(a) thereof, he shall promptly notify by registered or certified mail the contractor or subcontractor and its responsible officers, if any (and any firms in which the contractor or subcontractor are known to have a substantial interest), of the finding and afford such contractor or subcontractor and any other parties notified an opportunity to present such reasons or considerations as they have to offer relating to why debarment action should not be taken under paragraph (b) of this section or section 3(a) of the Davis-Bacon Act. The Deputy Administrator shall furnish to those notified a summary of the investigative findings, and shall make available to them any information disclosed by the investigation which is not privileged or found confidential for good cause. If this opportunity is requested, an informal proceeding shall be held before a hearing examiner, a regional director of the Wage and Hour and Public Contracts Divisions, or any other Departmental officer of appropriate ability. At the conclusion of the informal proceeding, the presiding officer shall issue his decision which shall be served by registered or certified mail upon the interested parties.

2. In 29 CFR 5.8, paragraph (b) is revised to read as follows:

§ 5.8 Review of recommendations for an appropriate adjustment in liquidated damages under the Contract Work Hours Standards Act.

(b) The recommendations of the head of an agency submitted to the Depart-

ment of Labor under paragraph (a) of this section shall be reviewed initially by the Deputy Administrator of the Wage and Hour and Public Contracts Divisions. Whenever the Deputy Administrator concurs in the findings and recommendations of the head of the agency, he shall issue an order to that effect, which shall be the final action of the Department of Labor with respect to the issues involved. Whenever the Deputy Administrator makes findings differing from those of the head of the agency, his decision shall be transmitted forthwith to the Administrator of the Wage and Hour and Public Contracts Divisions for review. The Administrator shall issue a decision and order. In its discretion, the Wage Appeals Board may review the decision and order of the Administrator.

3. In 29 CFR 7.1, paragraph (b) is revised to read as follows:

§ 7.1 Purpose and scope.

(b) The Board has jurisdiction to decide, in its discretion, appeals concerning questions of law and fact from decisions of the Solicitor of Labor or of the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor with regard to the following:

(1) Wage determinations issued under the Davis-Bacon Act and its related minimum wage statutes;

(2) debarment cases arising under Part 5 of this subtitle;

(3) controversies concerning the payment of prevailing wage rates or proper classifications which involve significant sums of money, large groups of employees, or novel or unusual situations; and

(4) recommendations of a Federal agency for appropriate adjustment of liquidated damages which are assessed under the Contract Work Hours Standards Act.

4. Section 7.9 of 29 CFR Part 7 is revised to read as follows:

§ 7.9 Review of debarment and liquidated damages proceedings.

(a) In any proceedings held under § 5.6(c), 5.6(d), or 5.8(b), of this subtitle for review of debarment (including removal from debarment) cases and liquidated damages cases, any party may file with the Wage Appeals Board, within a reasonable time after the decision by the Solicitor of Labor or the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor, as the case may be, a petition for review.

(b) The petition shall state concisely the points relied upon, and shall be accompanied by a statement setting forth supporting reasons. Further, the petition shall indicate whether or not the petitioner consents to the disposition of the questions involved by a single member.

(c) A copy of the presentation shall be served personally or by mail upon the Solicitor of Labor or the Administrator

of the Wage and Hour and Public Contracts Divisions of the Department of Labor, as the case may be. Upon receipt of such a copy, the Solicitor or the Administrator shall transmit to the Board the record of proceedings.

(d) In his discretion or at the request of the Board the Solicitor of Labor or the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor, as the case may be, shall file with the Board an expression of his views concerning the points raised in the petition. When the Wage Appeals Board in its discretion reviews a decision of the Solicitor or the Administrator it shall pass upon the points raised in the petition upon the basis of the entire record before it, and shall notify the parties to the proceeding of its decision.

5. In 29 CFR 7.10, the section heading is revised to read as follows:

§ 7.10 Review of decisions of the Solicitor of Labor other than those in wage determination and debarment proceedings.

6. In 29 CFR 7.14, paragraph (c) is revised to read as follows:

§ 7.14 Oral proceedings.

(c) In its discretion the Board may remand any case to the Solicitor of Labor or to the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor, as appropriate, for further proceedings.

(Reorg. Plan No. 14 of 1950, 64 Stat. 1267; 5 U.S.C. 301; sec. 2, 48 Stat. 948, as amended; 40 U.S.C. 276c; secs. 104, 105, 76 Stat. 358, 359; 40 U.S.C. 330, 331)

[F.R. Doc. 68-6702; Filed, June 6, 1968; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Rev. 5; Amdt. 7]

OIL REG. 1—OIL IMPORT REGULATION 1

Allocations to Petrochemical Plants

In the FEDERAL REGISTER for March 16, 1968 (33 F.R. 4628) notice was given of proposals to amend paragraphs (a) and (b) of section 9 and paragraphs (k), (l), (m), (o), and (p) of section 22 of Oil Import Regulation 1 (Revision 5).

Approximately 70 comments were received from various companies and Government agencies and while the comments were diverse and covered many issues, there was considerable agreement (1) that the definition of "refinery capacity" was too restrictive in requiring such a plant to convert 70 percent by weight of total refinery inputs into three or more finished products, (2) that the definition of "petrochemical plant" was too restrictive in requiring conversion of 70 percent by weight of its inputs into

petrochemicals, (3) that unfinished oils produced in petrochemical plants in Districts I-V should qualify as petrochemical plant inputs, and (4) that petroleum coke should not be included as a petrochemical plant input.

The comments appeared to be well founded and the proposed definitions have been revised. A new section 24 has been added to clarify the status of benzene, toluene, and xylenes. Paragraphs (a) and (b) of section 9 are adopted as proposed.

Paragraphs (a) and (b) of section 9 and paragraphs (k), (l), (n), (o), and (p) of section 22, of Oil Import Regulation 1 (Revision 5) are further amended to read as follows, and a new section 24, reading as follows, is added to that regulation.

Sec. 9 Allocation—crude oil and unfinished oils—petrochemical plants—Districts I-IV, District V.

(a) For the remaining 184 days of the allocation period January 1, 1968, through December 31, 1968, 79,000 B/D of imports of crude oil and unfinished oils are available for allocation in Districts I-IV to persons having petrochemical plants in these districts and 3,000 B/D of imports of crude oil and unfinished oils are available for allocation in District V to persons having petrochemical plants in this district and shall be allocated in accordance with paragraph (b) of this section.

(b) Each eligible applicant in Districts I-IV and V shall receive an allocation equal to the ratio that his petrochemical plant inputs for the year ending 3 months prior to the beginning of the allocation period bears to the total of petrochemical plant inputs in the respective districts multiplied by the total imports available for allocation specified in paragraph (a) of this section.

Sec. 22 Definitions.

(k) "Refinery inputs" mean feedstocks charged to "refinery capacity";

(1) And include only—
(i) Crude oil;
(ii) Unfinished oils imported pursuant to an allocation, and

(iii) Unfinished natural gas products;
(2) But do not include for the purpose of computing allocations under section 10 or section 11 of this regulation, any crude oil, natural gas products, or unfinished oils which are imported into United States by pipeline, rail, or other means of overland transportation from the country where they were produced, which country, in the case of unfinished oils, is also the country of production of the crude oil from which the unfinished oils were processed or manufactured.

(l) "Refinery capacity" means a plant which:

(1) Includes equipment for separating or converting hydrocarbons to finished products or unfinished oils;

(2) Uses crude oil as the predominant feedstock, and

(3) Converts for plant use as fuel in heating or generating power or for sale not less than 70 percent by weight of total refinery inputs into at least two separate and distinct finished products other than liquefied gases, each of which falls in a different one of the categories specified in subparagraphs (2) through (8) of paragraph (g) of this paragraph—that is, gasoline, jet fuel, naphtha, fuel oil, lubricating oil, residual fuel oil, or asphalt—and each of which must be equal to not less than 4 percent by weight of total refinery inputs. Different grades or specifications of a finished product will not constitute separate and distinct finished products for the purpose of this definition.

(n) "Petrochemical plant" means a facility or plant complex;

(1) Which includes equipment for converting hydrocarbons to petrochemicals by chemical reaction;

(2) Which manufactures for plant use or sale one or more separate and distinct petrochemicals by chemical conversion of each separate petrochemical plant input feedstock stream which is claimed by an applicant as a basis for obtaining an allocation, and

(3) In which more than 50 percent by weight of each separate feedstock stream is converted by chemical reaction into petrochemicals or in which over 75 percent by weight of recovered product output of each separate feedstock stream consists of petrochemicals which were converted by chemical reaction from such inputs.

(o) "Petrochemical plant inputs" mean feedstocks charged to a petrochemical plant;

(1) And include only:

(i) Crude oil,
(ii) Unfinished oils (except those unfinished oils specifically excluded in subparagraph (2) of this paragraph) produced in Districts I-IV and District V, and unfinished oils imported pursuant to an allocation,

(2) But do not include:

(i) Unfinished oils produced in a petrochemical plant in the manufacture of petrochemicals and subsequently charged to a unit or group of units which is a part of the same petrochemical plant in which they were produced or to any other petrochemical plant which is owned or controlled by the same person who claims the initial petrochemical plant inputs from which the unfinished oils are derived, and

(ii) Crude oil or unfinished oils which are imported into the United States by pipeline, rail, or other means of overland transportation from the country where they were produced, which country in the case of unfinished oils produced from crude oil is also the country of production of the crude oil from which the unfinished oils were processed or manufactured.

(iii) No unfinished oils shall be deemed to be petrochemical plant inputs which are obtained by transactions—sales, pur-

chases, or exchanges—designed to avoid the exclusion from such inputs of unfinished oils specified in subdivision (i) of this subparagraph.

(p) "Petrochemicals" means carbon or organic compounds (other than finished products or unfinished oils) which are produced from petrochemical plant inputs by chemical reaction in a petrochemical plant.

Sec. 24 Aromatics.

Benzene or toluene or any xylene derived from crude oil which meets the ASTM standards for that chemical is neither a finished product nor an unfinished oil. However, a mixture of hydrocarbons derived from crude oil which contains benzene, toluene, or xylenes but does not meet the ASTM standards for any of these chemicals is either a finished product or an unfinished oil.

Oil Import Administration Bulletin No. 2 (31 F.R. 10887) is hereby revoked.

Because allocations of imports should be made immediately for the remaining 184 days of the allocation period January 1 through December 31, 1968, it would be impracticable to delay the effective date of this Amendment. Accordingly, this Amendment 7 shall become effective immediately.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 4, 1968.

[F.R. Doc. 68-6783; Filed, June 5, 1968; 4:43 p.m.]

**Title 43—PUBLIC LANDS:
INTERIOR**

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4434]

[BLM 048089]

ARKANSAS

Amendment of Public Land Order No. 3836; Fort Chaffee Military Reservation

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 3836 of September 27, 1965, which transferred jurisdiction over oil and gas deposits underlying certain acquired lands at Fort Chaffee Military Reservation, is hereby amended in the following respects:

(a) To add thereto the following described lands:

FIFTH PRINCIPAL MERIDIAN

T. 6 N., R. 29 W.,

Sec. 22, N $\frac{1}{2}$ N $\frac{1}{2}$;

Sec. 24, W $\frac{1}{2}$ NW $\frac{1}{4}$ and that portion of NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying west of Rattlesnake Canyon Road.

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER N—DANGEROUS CARGOES

[CGFR 68-66]

PART 146—TRANSPORTATION OR STOWAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Miscellaneous Amendments

1. Pursuant to the notice of proposed rule making published in the *FEDERAL REGISTER* of February 29, 1968 (33 F.R. 3564-3570), and the Merchant Marine Council Public Hearing Agenda dated March 25, 1968 (CG-249), the Merchant Marine Council held a Public Hearing on March 25, 1968, for the purpose of receiving comments, views, and data. The proposals considered were identified as Items PH 1-68 to PH 8-68, inclusive. Item PH 2-68 contained the proposals regarding dangerous cargoes (CG-249, pages 121 to 182, inclusive). This document contains miscellaneous amendments to the dangerous cargo regulations, which were identified as Item PH 2c-68 (CG-249, pages 124 to 143, inclusive) (33 F.R. 3566). The miscellaneous proposals regarding radioactive material in this Item are not included but will be set forth in a separate document containing the revised requirements governing radioactive materials.

2. The written comments received were considered and changes based thereon have been made. In the commodity list in 46 CFR 146.04-5 the listing for "empty portable tanks" was changed to show that the tank may or may not come within the classification shown, which is similar to the arrangement for empty tank cars and tank trucks. The comment regarding 46 CFR 146.27-100 governing empty portable tanks was accepted and the change provides that no excess residue of a previous lading adhering to any exterior part of the tank is permitted. The comment regarding tween deck stowage of empty portable tanks was not accepted. The various sections amended containing references to "ICC" or "Interstate Commerce Commission" were editorially changed to reflect the changes made by the Department of Transportation Act. The proposals in 46 CFR 146.29-15(a) were revised to agree with regulations in 33 CFR 126.16. The proposal designated 46 CFR 146.29-35(g), regarding control of weapons of security guards, was not adopted.

3. The provisions of R.S. 4472, as amended (46 U.S.C. 170), require that the land and water regulations governing the transportation of dangerous articles or substances shall be as nearly parallel as practicable. The provisions in 46 CFR 146.02-18 and 146.02-19 make

the Dangerous Cargo Regulations applicable to all shipments of dangerous cargoes by vessels. The Department of Transportation, through the Hazardous Materials Regulations Board, prescribes the implementing regulations for "Hazardous Materials" under the statutory authority in sections 831-835, Title 18, United States Code. These regulations are published in 49 CFR Parts 171-190 (formerly ICC regulations published in 49 CFR Parts 70 to 90). Miscellaneous changes have been made in the regulations in 49 CFR Parts 171-190, which are now in effect for land transportation. Various amendments to the Dangerous Cargo Regulations in 46 CFR Part 146 have been included in this document in order that these regulations governing water transportation of certain dangerous cargoes will be as nearly parallel as practicable with the regulations which govern the land transportation of the same commodities.

4. The amendments to 46 CFR Part 146, which were not described in the *FEDERAL REGISTER* notice of proposed rule making published on February 29, 1968 (33 F.R. 3566, 3567), are considered to be interpretations of laws, or revised requirements to agree with existing regulations, or editorial in nature, and it is hereby found that compliance with the Administrative Procedure Act (5 U.S.C. 551-559) (respecting notice of proposed rule making, public rule-making procedure thereon, and effective date requirements thereof) is unnecessary with respect of such changes.

5. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, United States Code, and the delegation of authority by the Secretary of Transportation in 49 CFR 1.4(a)(2) (32 F.R. 5606), to promulgate regulations in accordance with the laws cited with the regulations below, the following amendments are prescribed and shall be effective July 1, 1968; however, the regulations in this document may be complied with in lieu of existing requirements prior to that date.

6. The authority note for Part 146 is amended to read as follows:

AUTHORITY: The provisions of this Part 146 issued under R.S. 4405, as amended, 4462, as amended, 4472, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 375, 416, 170, 49 U.S.C. 1655 (b); 49 CFR 1.4(a)(2). Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 FR. 9671, 3 CFR, 1965 Supp.

Subpart 146.02—General Regulations

7. Section 146.02-10 is amended by revising paragraph (a) and the first and second sentences of paragraph (b). As amended, § 146.02-10 reads as follows:

§ 146.02-10 Export shipments.

(a) Export shipments of commercial Class A explosives and radioactive materials, regardless of whether in interstate transportation prior to delivery to

T. 7 N., R. 31 W.,

Sec. 3;

Sec. 4, S $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and that portion of the NE $\frac{1}{4}$ lying south of the Missouri Pacific Railroad;

Sec. 5, S $\frac{1}{2}$, and that portion of the N $\frac{1}{2}$ lying south of concrete access road;

Sec. 6, that portion of the E $\frac{1}{2}$ between concrete access road and an east-west Camp road;

Secs. 7, 8, 9, 10, 16, 17;

Sec. 18, N $\frac{1}{2}$, SE $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 19, NE $\frac{1}{4}$;

Sec. 20, N $\frac{1}{2}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$.

T. 7 N., R. 32 W.,

Sec. 1, that portion of SE $\frac{1}{4}$ SE $\frac{1}{4}$ described as follows: Beginning at the southwest corner of sec. 6 and the southeast corner of sec. 1, thence along the south line of said sec. 1 west 800 feet to a point, thence N. 31°21' E. 1,537.69 feet to a point in the common line between said sec. 1 and said sec. 6, thence south along said common line 1,313.20 feet to the point of beginning.

Sec. 12;

Sec. 13, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$.

T. 8 N., R. 31 W.,

Sec. 24, that portion of the fractional W $\frac{1}{2}$ lying north and west of the Arkansas River and south and west of the 1964 Crawford County, Arkansas, Levee District levee, excepting therefrom the N $\frac{1}{2}$ NW $\frac{1}{4}$;

Secs. 25 and 36.

The areas described aggregate 9,778.06 acres.

(b) To correct that part of the description in T. 6 N., R. 29 W., reading "Sec. 20, N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ " to read "Sec. 20, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ and that part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ more particularly described as follows: Beginning at northwest corner of NE $\frac{1}{4}$ NW $\frac{1}{4}$, thence south 150 yards, thence northeasterly and in a straight line to the northeast corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, thence west to point of beginning".

(c) To delete the following paragraph:

4. The jurisdiction of the Department of the Interior over such deposits of oil and gas shall continue until revocation of this Public Land Order, and no action which may be taken by the Department of the Army to relinquish jurisdiction over the described lands for military purposes or to transfer such jurisdiction out of the Department of the Army shall affect in any way the jurisdiction of the Department of the Interior over the oil and gas deposits.

2. Jurisdiction over the oil and gas deposits owned by the United States underlying the acquired lands described in paragraph 1(a), above, is hereby transferred from the Department of the Army to the Department of the Interior, subject to all the provisions and limitations of Public Land Order No. 3836 as herein amended.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JUNE 3, 1968.

[F.R. Doc. 68-6701; Filed, June 6, 1968; 8:45 a.m.]

the vessel, shall be packed, marked, labeled or otherwise in conformity with the Department of Transportation requirements for the transportation of explosives or other dangerous articles in effect at the time of shipment.

(b) Export shipments of explosives or other dangerous articles or combustible liquids (except commercial Class A explosives and radioactive materials) may be accepted for transportation when packed, marked, labeled, and described in accordance with the regulations of the country of destination. If the regulations of the foreign country are used, the bill of lading or other shipping paper shall identify such shipments by the shipping name shown in the regulations in this part for the particular substance, and also shall certify that the packing, marking, and labeling is in accordance with the foreign regulations and identify by title or otherwise such foreign regulations. Markings on export packages may be in the language of the country of destination. Labels shall be affixed or printed or stamped upon such export packages when offered for transportation in lots of one hundred (100) or less packages. Stowage on board a vessel shall be in accordance with the regulations in this part as applicable to the particular character of vessel.

§ 146.02-11 [Amended]

8. Section 146.02-11 *Import shipments* is amended by changing in paragraphs (a), (b), (c), and (d), the phrase from "radioactive materials, Groups I, II, III, IV" to "radioactive materials"; and by changing in paragraphs (a) and (b) (two times), the name from "Interstate Commerce Commission" to "Department of Transportation."

Subpart 146.04—List of Explosives or Other Dangerous Articles Containing the Shipping Name or Description of Articles Subject to the Regulations in This Subchapter

§ 146.04-5 [Amended]

9. Section 146.04-5 *List of explosives and other dangerous articles and combustible liquids* is amended by inserting after "Tankages" in column 1 "Tanks, portable, empty"; and in column 2 "Haz."

Subpart 146.05—Shipper's Requirements Re: Packing, Marking, Labeling, and Shipping Papers

§ 146.05-15 [Amended]

10. Section 146.05-15 *Marking and labeling* is amended by changing in paragraphs (a), (b), and (d) (1), (2), (4), and (6), the name from "Interstate Commerce Commission" to "Department of Transportation"; by changing in paragraph (d) (6) the phrase from "an ICC specification" to "a DOT specification"; and by changing the "Cross Reference" following paragraph (b) to read as follows:

CROSS REFERENCE: For marking and labeling requirements applying to export shipments

of commercial Class A explosives and radioactive materials, see § 146.02-10(a). For alternate marking and labeling requirements applying to export shipments of other dangerous articles or substances, see § 146.02-10(b). For marking and labeling requirements applying to import shipments, see § 146.02-11 (a), (b), and (c).

Subpart 146.20—Detailed Regulations Governing Explosives

11. Section 146.20-7(i) is revised to read as follows:

§ 146.20-7 Class A explosives.

(i) *Charged oil well jet perforating guns.* Charged oil well jet perforating guns are steel tubes, metallic strips, or tubular frameworks into which are inserted shaped charges connected in series by primacord. These devices are not permitted to be shipped as cargo on board any vessel subject to the regulations in this subchapter. Charged oil well jet perforating guns when carried in special motor vehicles under the conditions prescribed in 49 CFR 173.80 or on offshore downhole tool pallets, and accompanied by personnel trained in the safe handling of these devices are classed as Class C explosives: *Provided, That:*

- (1) No blasting caps, electric blasting caps or other firing devices shall be affixed or installed in the guns;
- (2) Each shaped charge shall contain not over 4 ounces of explosive;
- (3) Each shaped charge if not completely enclosed in glass or metal shall be fully protected by a metal cover after installation in the gun; and,
- (4) The total weight of the explosive contents of shaped charges assembled in guns being carried does not exceed 20 pounds per vehicle, pallet, or vessel.

12. Section 146.20-35(e) (1) is revised to read as follows:

§ 146.20-35 Handling explosives.

(e) * * *

(1) The Commandant may grant authority for the use of power-operated industrial trucks of approved type "EX" (see § 146.09-15(b) of this part) in spaces in which Class A, Class B, or Class C explosives are stowed when it can be shown that such trucks can be used with safety.

Subpart 146.27—Detailed Regulations Governing Hazardous Articles

§ 146.27-100 [Amended]

13. Section 146.27-100 *Table K—Classification: Hazardous articles* is amended as follows:

A. The entry "Calcium carbide" is revised by inserting after "Steel barrels or drums, hermetically sealed, etc." in columns 4, 5, 6, and 7:

Steel barrels or drums constructed of 18 gauge or heavier steel, hermetically sealed, not over 650 pounds net weight.

B. The entry "Tank cars, empty" is amended by revising the Note "(D)" in columns 5, 6, and 7 to read as follows:

NOTE: * * *

(D) Provided no excess residue of a previous lading is adhering to any exterior part of the tank or car.

C. The entry "Tank trucks, empty" is amended by revising the Note "(E)" in columns 5, 6, and 7 to read as follows:

NOTE: * * *

(E) Provided no excess residue of a previous lading is adhering to any exterior part of the tank or vehicle.

D. After the entry "Tank trucks, empty" a new entry is added to read as follows:

(1) In column 1:

Tanks, portable, empty.
Tanks previously containing a flammable liquid, corrosive liquid, combustible liquid, compressed gas, poison Class A, B, or C, or any other dangerous article.

(2) In column 2:

The hazard connected with the shipment of empty tanks that previously contained a dangerous substance is due to the possible presence of residue contents in the tank. Shall be marked in such manner as will identify the previous lading.

(3) In column 3:

No label required.

(4) In column 4:

Stowage:
"On deck in open"
"On deck protected"
"On deck under cover"
(See note in columns 5, 6, and 7.)

(5) In column 5:

Not permitted

(6) In column 6:

Ferry stowage (AA)

(7) In column 7:

Ferry stowage (BB)

(8) Across columns 5, 6, and 7 a note is added:

NOTE: May be accepted on permitted vessels provided:

A. Manhole covers are securely fastened in place.

B. All valves are tightly closed.

C. There is no leakage from piping or any other part of tank.

D. No excess residue of a previous lading is adhering to any exterior part of the tank.

E. The person assigned to supervise the acceptance of the tank for carriage aboard the vessel shall personally check to see that these conditions are complied with.

Portable tanks not meeting all of these requirements shall not be accepted for transportation.

Subpart 146.29—Detailed Regulations Governing the Transportation of Military Explosives and Hazardous Munitions on Board Vessels

14. Section 146.29-11(c) is amended by revising subparagraph (17) by adding subdivisions (ii) and (iii), and by revising in subparagraph (34), last sentence, the dimension from "3' x 4' size" to "2' x 4' size", and as amended these subparagraphs read as follows:

RULES AND REGULATIONS

§ 146.29-11 Definitions and abbreviations.

(c) *Related terms.* * * *

(17) *Division bulkhead.* (i) * * *

(ii) See § 146.29-81(e) for construction of a partition bulkhead within a Class "A" magazine measuring more than 40 feet in any direction.

(iii) When general cargo is to be stowed adjacent to the exterior of the Class "A" magazine, see § 146.29-61(b).

(34) *Partition bulkhead.* A partition bulkhead is a temporary bulkhead constructed of commercial 1-inch lumber of widths not less than 4 inches, secured alternately on both sides of the uprights and spaced not more than 6 inches apart. The uprights are at least 2" x 4" size, spaced not more than 30 inches apart.

15. Section 146.29-15(a) is amended by revising in subparagraph (1) the reference from "33 CFR Part 202" to "33 CFR Parts 109 and 110"; by revising the text of subparagraph (2); by revoking the text of subparagraph (3); and by redesignating subparagraph (4) as (3). As amended § 146.29-15(a) reads as follows:

§ 146.29-15 Authority to load, handle, or discharge; facilities and use.

(a) Military explosives, except material covered in § 146.29-100 as Coast Guard Class I, shall not be handled, stowed, stored, loaded on, or discharged from a vessel except at one of the following:

(1) Explosives anchorages; the areas upon the navigable waters that are designated explosives anchorages under the applicable provisions of 33 CFR Parts 109 and 110 (Anchorage Regulations), and within which a vessel may anchor or moor to handle, stow, store, load, or discharge explosives as cargo.

(2) Designated waterfront facility of particular hazard (33 CFR 126.05(b)); the facility which has been specifically authorized by the District Commander or Captain of the Port for this purpose.

(3) Temporary location; a location the District Commander or Captain of the Port may designate as a temporary location for a specific loading of Classes XI-A, XI-B, XI-C, and XI-D ammunition.

16. Section 146.29-35 is amended by revising paragraph (e) by adding a sentence at the end thereof, and by revising paragraph (f) by changing in the second sentence the phrase from "terminate in holds" to "terminate in or service holds". As amended § 146.29-35 (e) and (f) read as follows:

§ 146.29-35 Lights, tools, and portable equipment.

(e) The Captain of the Port may authorize the use of pinch bars of ferrous metal in "breaking out" or stowing unfused bombs, large caliber separate loading projectiles, and packages of ammunition shipped in heavy unit weight containers. He may also permit the use of saws and hammers that are actually powered by the hand or hand and arm, in the hold of a vessel when necessary in fitting dunnage or constructing a partition or a division bulkhead or installing protection required for the stowage of military explosives. The Captain of the Port may authorize spark-proof electrically powered or pneumatic saws or hammers, but they shall not be used in any compartment containing military explosives. The Captain of the Port or his representative may authorize the use of metallic tools on deck in the vicinity of the hatch for necessary work associated with the loading, such as winch repairs, opening or tightening shackles, etc.: *Provided*, That they are removed from the scene as soon as the work is completed.

(f) All electric wiring in holds in which explosives are to be stowed shall be inspected prior to the loading of explosives into the hold. The electrical circuits which terminate in or service holds in which explosives are to be stowed shall be deenergized by removing their fuses or inactivating their circuit breakers at the main panel prior to loading and these circuits shall remain deenergized while explosives are within the hold. The main panel shall be tagged to warn personnel against reenergizing these circuits.

17. Section 146.29-90(a) is amended by removing the requirement for special authority from the Commandant to use Type II transporters. As amended § 146.29-90(a) (introductory sentence repeated for information purposes) reads as follows:

§ 146.29-90 Use of cargo transporters (Conex Box) specification MIL-B-21560.

Cargo transporters, complying with the specification MIL-B-21560, may be used for the transportation of military explosives and hazardous munitions subject to the following conditions:

(a) Type I or Type II transporters may be used.

§ 146.29-100 [Amended]

18. Section 146.29-100 *Classification, handling and stowage chart* is amended as follows:

A. The entry "Class X-B" is amended by revising the seventh paragraph in column 6 ("Stowage") under the below heading to read as follows:

AMMUNITION STOWAGE OR PORTABLE MAGAZINE

When photoflash items of this class are stowed with any other military explosive, including other items of this class, the two stowages must be separated by a partition bulkhead or type "A" dunnage floor.

B. The entry "Class X-E" is amended as follows:

(1) In column 6 ("Stowage") the second paragraph under the below heading is revised to read as follows:

On deck protected.

Shipments stowed on deck shall be last-on/first-off shipments on board the vessel. On vessels having the bridge structure amidship, the holds separated by the bridge structure from the Class X-E explosives stowage may be worked.

(2) In column 7 ("Handling") the paragraph designated "8" is revised to read as follows:

8. Weight per draft shall not exceed 2,400 pounds plus 10 percent using a 5-ton boom. Single items of this class, or assembled units designed to be handled as a unit, may be loaded regardless of weight provided the cargo handling gear is of a design capable of handling a working load at least 50 percent additional to the actual weight of the item or unit comprising the draft and provided further the integrity of the cargo handling gear is unimpaired.

Dated: June 4, 1968.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 68-6732; Filed, June 6, 1968; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 245]

BEER

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the *FEDERAL REGISTER*. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, Alcohol and Tobacco Tax Division, within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the *FEDERAL REGISTER*. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

In order to (1) provide for the establishment of experimental breweries, (2) provide for storage of untaxed bottled beer in any suitable location in the brewery, (3) provide emergency procedures for use when meters become defective, (4) make various changes respecting qualifying documents, including bonds, Forms 27-C, and plats, (5) specify the number of copies of various applications and statements required to be filed, (6) delete requirements for filing an additional Form 11 for a trade name change, (7) make various changes in requirements relating to beer removed from the market, beer transferred, beer lost or destroyed, unsalable beer, claims, and records, (8) clarify provisions for segregation of empty containers and other supplies, (9) provide for the showing of the place of production on barrels, kegs, and bottles by a code system in certain instances, (10) insert the barrel equivalents of several additional case sizes, (11) provide an extension of time for taking

the required monthly inventories, (12) delete provisions specifically providing for recasing and relabeling taxpaid beer, and (13) delete certain internal management instructions, the regulations in 26 CFR Part 245 are amended as follows:

PARAGRAPH 1. Section 245.12 is amended to prescribe the number of copies of the application a brewer must submit when he desires to use his brewery for purposes other than those provided for in regulations. As amended, § 245.12 reads as follows:

§ 245.12 Use of brewery.

The brewery shall be used exclusively, except as provided herein, for the purposes of producing and packaging or bottling beer, cereal beverages, soft drinks and other nonalcoholic beverages, vitamins, ice, malt, sirup, and other byproducts; of drying spent grain from the brewery; of recovering carbon dioxide and yeast; and of storing bottles, packages, and supplies necessary or incidental to all such operations. All bottling shall be conducted in the brewery bottling house. If the brewer desires to use the brewery for other purposes, not involving the production of alcoholic beverages, which (a) require the use of byproducts or waste from the production of beer, or utilize buildings, rooms, areas, or equipment not fully employed in the production or bottling of beer, (b) are reasonably necessary to realize the maximum benefit from the premises and equipment and to reduce the overhead of the plant, (c) are in the public interest because of emergency conditions, or (d) involve experiments or research projects related to equipment, materials, processes, products, byproducts, or waste of the brewery, he may submit an application, in triplicate, so to do to the Director, Alcohol and Tobacco Tax Division, through the assistant regional commissioner. The Director, Alcohol and Tobacco Tax Division, will approve such application where he finds that such use will not jeopardize the revenue, will not impede the effective administration of this part, and is not contrary to the specific provisions of law.

(72 Stat. 1389; 26 U.S.C. 5411)

PAR. 2. Section 245.13 is amended to make it clear that untaxed bottled beer may be stored in any suitable location in the brewery. As amended, § 245.13 reads as follows:

§ 245.13 Storage of beer.

(a) *Taxpaid beer.* Beer on which the tax has been paid or determined shall not be stored in the brewery except as provided in Subpart S of this part.

(b) *Untaxed beer.* Bottled beer on which tax has not been paid or determined may be stored in the bottling house or in any other suitable location in the brewery.

(72 Stat. 1334, 1335, 1389; 26 U.S.C. 5054, 5056, 5411)

PAR. 3. Section 245.17 is amended to clarify requirements regarding the segregation of empty containers and other supplies. As amended, § 245.17 reads as follows:

§ 245.17 Empty container storage.

Empty barrels, kegs, bottles, other containers, or other supplies stored in the brewery must be segregated from filled containers.

PAR. 4. Section 245.34 is amended to provide procedures for use when beer meters become defective and to remove internal management instructions. As amended, § 245.34 reads as follows:

§ 245.34 Servicing of meters.

(a) *Tests, repairs, and adjustments.* When necessary in the opinion of the assistant regional commissioner, he will assign an inspector to test a meter or to supervise its removal and reinstallation in connection with cleaning or repair. When a repaired or replacement meter is installed, the inspector will test it for accuracy and proper functioning. Whenever a meter is tested, a copy of the meter test report will be given to the brewer. Except as provided in paragraph (b) of this section, the use of any meter must be discontinued whenever it is not functioning properly or recording accurately.

(b) *Emergency procedures.* When a meter becomes inoperative or inaccurate, the brewer shall make every reasonable effort to contact the assistant regional commissioner or to otherwise obtain the services of an inspector. On receipt of advice from a brewer that a meter has become inoperative or inaccurate, the assistant regional commissioner may, if he finds it is impractical to have an inspector to promptly supervise the repair or replacement of the meter, and if in his opinion the revenue will not be jeopardized, permit the brewer to temporarily continue operations even though the quantity of beer transferred is not accurately metered. If the brewer is unable to contact the assistant regional commissioner, or to otherwise obtain the services of an inspector, he may temporarily continue operations even though the quantity of beer transferred is not accurately metered. When a brewer continues bottling or racking operations as provided in this paragraph, he shall determine and record the quantity of beer transferred other than through a properly operating meter; shall terminate the emergency operations as soon as is practical; and, where operations are continued without prior approval, shall notify the assistant regional commissioner of the action and the circumstances thereof as soon thereafter as

possible in which case the assistant regional commissioner may either authorize the continuation of emergency operations or require that operations be ceased until the meter has been repaired or replaced.

(72 Stat. 1395; 26 U.S.C. 5552)

PAR. 5. Paragraph (k) of § 245.41 is amended to provide that encumbrances on brewery equipment held by the manufacturer of the equipment or his franchised distributor need not be reported in the brewer's notice. As amended, § 245.41(k) reads as follows:

§ 245.41 Data for notice.

(k) The name and address of the owner of the fee and of any mortgagee or other encumbrancer of the land, buildings, or equipment comprising the brewery (except when an encumbrance on equipment is held by, or the equipment is leased from, the manufacturer thereof or his representative or franchised distributor).

PAR. 6. Section 245.42 is amended to remove the provisions as to the number of required copies of Form 1534 to be filed, and to reduce the number of copies of the document which authorizes a person to sign or act on behalf of a brewer. As amended, § 245.42 reads as follows:

§ 245.42 Powers of attorney.

The brewer shall execute and file with the assistant regional commissioner a Form 1534, in accordance with the instructions on the form, for every person who is authorized to sign or act on behalf of the brewer, except that a certified true copy, in duplicate, of a resolution of the board of directors authorizing a person to sign or act on behalf of the brewer will be accepted as evidence of the authority of such person to so sign or act.

PAR. 7. Section 245.44 is amended to provide that certain documents, if they reflect current data, may be incorporated as a part of new Forms 27-C that are filed at 4-year intervals. As amended, § 245.44 reads as follows:

§ 245.44 Supplemental and superseding notices.

The brewer shall file an amended or supplemental Form 27-C, as provided in Subpart L of this part, covering changes in items of information recorded on the active Forms 27-C on file. Such amended or supplemental notices may be in skeleton form. The brewer shall file a new and complete notice, superseding those previously filed, once every 4 years, which new notice will become effective on the date of renewal of the brewer's bond as provided in § 245.45: *Provided*, That where the information and documents required by § 245.41 (f), (g), (h), (i), (j), (l), and (m) are on file as an attachment to a previously filed and approved Form 27-C and reflect current data, such information and documents may be incorporated by reference in, and be made a part of, the new and complete notice. Where a brewer files a new bond before expiration of the usual 4-year

period, as provided in § 245.49, the assistant regional commissioner may require the filing of a new and complete notice, which supersedes those previously filed and which may incorporate information and documents contained in a previously filed and approved Form 27-C and reflecting current data as provided in this section. The new notice will become effective on the effective date of the new bond, or the assistant regional commissioner may postpone the filing of such new notice until such time as the new bond is renewed or superseded.

PAR. 8. Section 245.58 is amended to clarify the time when the surety is relieved from future liability under a bond which is superseded by a new bond. As amended, § 245.58 reads as follows:

§ 245.58 Termination of surety's liability under bond.

The liability of a surety on any bond required by this part shall be terminated only as to liability arising on and after the effective date of a superseding bond; or the date of approval of the discontinuance of the business of the brewer giving the bond; or pursuant to the giving of notice by the surety as provided in § 245.59.

PAR. 9. Section 245.68 is amended to remove the requirement that the assistant regional commissioner and the brewer's draftsman shall sign the certificate of accuracy on the plat. As amended, § 245.68 reads as follows:

§ 245.68 Certificate of accuracy.

The plat shall bear a certificate of accuracy in the lower right-hand corner of each sheet, signed by the brewer, substantially as follows:

(Name of brewer)

(Address)

Accuracy certified by:

(Name and capacity—for the brewer)

Sheet No. -----, Date -----

PAR. 10. Section 245.71 is amended to provide a retention period for qualifying documents and to delete an internal management instruction. As amended, § 245.71 reads as follows:

§ 245.71 Approved documents.

On approval of the documents, the assistant regional commissioner shall forward one copy of the bond, notice, plat, and other documents to the brewer who shall file such approved documents on the premises, available for inspection by internal revenue officers. Such documents shall be retained so long as they are applicable to the qualification or operation of the brewery and for a period of not less than four years thereafter.

(72 Stat. 1390; 26 U.S.C. 5415)

PAR. 11. Section 245.90 is amended to make it clear that an amended Form 27-C need not be filed to show the sale or transfer of capital stock which does not result in a change in control or management of the business and to extend these provisions to include the issuance of additional shares of stock. As amended, § 245.90 reads as follows:

§ 245.90 Changes in stockholders, officers, and directors of corporation.

The sale, issuance of additional shares, or transfer of capital stock of a corporation operating a brewery does not constitute a change in the proprietorship of the brewery, and an amended Form 27-C need not be filed because of such changes. However, where the sale, issuance of additional shares, or transfer of capital stock results in a change in the control or management of the business, or where there is any change in the officers or directors, the brewer must give notice thereof on Form 27-C, in triplicate, to the assistant regional commissioner within 30 days of such change.

PAR. 12. Section 245.97 is amended to delete the requirement for filing an additional Form 11 for a change in trade name, thus eliminating the need for amending the special tax stamp. As amended, § 245.97 reads as follows:

§ 245.97 Change in name; amended Form 11.

Where there is a change in the corporate name or firm name, the brewer shall, within 30 days after such change is made, file with the district director an additional return on Form 11, covering the new corporate name or firm name. The special tax stamp, or stamps, shall be forwarded to the district director for appropriate notation with respect to such change.

(68A Stat. 846; 26 U.S.C. 7011)

PAR. 13. Section 245.115 is amended to provide additional case sizes and their barrel equivalents. As amended, § 245.115 reads as follows:

§ 245.115 Tax computations for bottled beer.

Barrel equivalents for various case sizes are as follows:

Number of bottles per case	Fluid contents (ounces) of each bottle	Barrel equivalent
1	128	0.03226
1	288	.07258
4	64	.06452
4	64	.06677
6	6	.01815
12	7	.02117
12	8	.02419
12	11	.03327
12	12	.03629
12	14	.04234
12	30	.09073
12	32	.09677
12	40	.12097
24	6	.03629
24	7	.04234
24	8	.04839
24	9	.05444
24	10	.06048
24	11	.06653
24	11½	.06956
24	12	.07258
24	13	.07963
24	14	.08468
24	15	.09073
24	16	.09677
32	7	.05945
35	7	.06174
36	6	.05444
36	7	.06351
36	8	.07258
36	10	.07056
40	7	.12097
48	12	.14516
60	12	.15120

Since the determination of tax liability is based upon a count of cases of bottles,

various sized bottles may not be indiscriminately mixed in a case. This shall not be construed as prohibiting cases or bottles of sizes other than those listed in the above table or cases which contain bottles of more than one size where such cases are uniformly filled with a specific number of bottles of each size: *Provided*, That if beer is to be removed in cases or bottles of sizes other than those listed in the above table, the brewer will notify the assistant regional commissioner in advance and request to be advised of the fractional barrel equivalent applicable to the proposed container.

PAR. 14. Subpart O is amended to provide for marks, brands, and labels on containers of beer and for use of a coding system to indicate the place of production. As amended, Subpart O reads as follows:

Subpart O—Marks, Brands, and Labels

§ 245.125 Barrels and kegs.

(a) *General*. The brewer's name or trade name and the place of production (city and, where necessary for identification, State) shall be embossed on, indented, or branded in, or (subject to the approval of the Director, Alcohol and Tobacco Tax Division) otherwise durably marked on each barrel and keg of beer: *Provided*, That where the place of production is clearly shown on the bung or on the tap cover or on a label securely affixed to each barrel or keg, the place of production need not be embossed on, indented or branded in, or otherwise durably marked on the barrel or keg. No statement as to payment of internal revenue taxes shall be shown.

(b) *Breweries of same ownership*. Where two or more breweries are owned and operated by the same person, firm, or corporation, the place of production may be shown as provided in paragraph (a) of this section, or the locations of more than one such brewery may be so shown. Where such marking includes a location or locations other than that at which the beer currently in the container was produced, the location of the brewery at which the beer was produced must be shown on the bung or on the tap cover or on a label securely affixed to each barrel or keg: *Provided*, That the brewer may employ on the label a system of coding or marking, satisfactory to the assistant regional commissioner, which will permit internal revenue officers to readily identify the particular brewery at which the beer was produced. If more than one commonly owned brewery is located in the same city, the location by street number will also be shown on the label (printed or indicated by code as provided in this section).

(72 Stat. 1389; 26 U.S.C. 5412)

§ 245.126 Bottles.

Each bottle of beer shall show by label or otherwise the name or trade name of the brewer, the net contents of the container, the nature of the product, such as beer, ale, stout, etc., and the place of production (city and, where necessary for

identification, State). Where two or more breweries are owned and operated by the same person, firm, or corporation, the place of production may be included in a listing of the locations of any or all such breweries, but in such case the place of production shall not be given less emphasis than is given the other locations. Where the location of two or more breweries is shown on a label, the actual place of production may be indicated either in printing or by means of an identification code printed, punched, notched, cut, or otherwise marked on each label, or on the bottle, or the crown or lid attached thereto. If more than one such brewery is located in the same city, the location by street number will also be shown (printed or indicated by code). If the brewer's name, trade name, or brand name includes the name of a city which is not the place where the beer was produced, the Director, Alcohol and Tobacco Tax Division, may require the actual place of production to be stated as such on the label. The coding system employed shall provide legible, permanent information, shall enable internal revenue officers to readily identify the brewery at which the beer was produced, and shall, before use, be approved by the assistant regional commissioner. No statement as to payment of internal revenue taxes shall be shown. The labels used by the brewer shall be covered by certificates of label approval where required by 27 CFR Part 7. The statement of net contents shall indicate exactly the volume of beer within the bottle except for such variations in measuring as may occur in filling conducted in compliance with good commercial practice. Short-fill bottles of beer which are sold or otherwise disposed of by a brewery to its own employees for their own use but which are not for resale need not be labeled, but, if labeled, need not show an accurate statement of net contents.

(72 Stat. 1389; 26 U.S.C. 5412)

§ 245.127 Cases.

The brewer's name and trade name, or, if such information is shown elsewhere on the case or shipping container, a name which, in the opinion of the assistant regional commissioner, is widely accepted as identifying the brewer, shall be shown on a side or the top of each case or other shipping container of bottled beer. The brewer may also show on the case or other shipping container the place of production (city and, where necessary for identification, State) and, where two or more breweries are owned and operated by the same person, firm, or corporation, the case or other shipping container may also show the addresses of such breweries. If a single address is shown, it must be that of the producing brewery.

(72 Stat. 1389; 26 U.S.C. 5412)

§ 245.128 Rebranding barrels or kegs.

No barrel or keg which bears the name of more than one brewer or, except as provided in § 245.205, the name of a brewer other than the producing brewer,

may be used as a container for beer. Where barrels or kegs are purchased by one brewer from another or obtained by other legitimate means, and after the assistant regional commissioner has been notified of the proposed action, the original marks and brands shall be permanently removed or durably covered: *Provided*, That where a brewer adopts a trade name which is substantially identical to the name appearing on the barrels or kegs he has obtained, such barrels or kegs may be used without removing or covering the original marks and brands. The successor to a brewer who has discontinued business may place additional marks and brands on the barrels and kegs, in accordance with § 245.125, which indicate the successorship without removing the marks and brands of the predecessor.

(72 Stat. 1389; 26 U.S.C. 5412)

§ 245.129 Tanks, vehicles, and vessels.

Each tank, tank car, tank truck, tank ship, barge, or deep tank of a vessel, used for transferring beer from one brewery to another brewery belonging to the same brewer, as provided in § 245.141, must be plainly and durably marked with the brewer's name, the address of the brewery from which the beer was removed, the address of the brewery to which transferred, the date of shipment, and the quantity transferred (expressed in barrels). The marks may be placed on a suitable label securely affixed to the route board of such containers.

(72 Stat. 1389; 26 U.S.C. 5414)

PAR. 15. Section 245.136 is amended to provide recordkeeping requirements for transactions in malt extract, wort, and other products, produced and removed from the brewery. As amended, § 245.136 reads as follows:

§ 245.136 Malt, and malt sirup, wort, and other products.

The brewer shall keep accurate records of all malt removed, and of all malt sirup, malt extract, wort, and concentrated wort produced and removed from the brewery. The records of production shall include the quantities and kinds of materials used and, in the case of wort and concentrated wort, the balling of the product. The records of removals, which may consist of invoices or other shipping documents, shall show the quantity of each lot removed, together with the name and address of the person to whom shipped or delivered. The records shall be available for inspection by internal revenue officers.

(72 Stat. 1389; 26 U.S.C. 5411)

PAR. 16. Sections 245.141 and 245.144 are amended to delete requirements that keg and bottled beer transferred from another brewery owned by the same brewer shall be received in the racking room and bottling house, respectively. As amended, §§ 245.141 and 245.144 read as follows:

§ 245.141 Kinds of containers.

Beer may be transferred without payment of tax from one brewery to another

brewery belonging to the same brewer (a) in bottles and cases; (b) in the brewer's hogsheads, barrels, or kegs; or (c) in tanks, tank cars, tank trucks, tank ships, barges, or deep tanks or vessels, subject to such limitations and conditions as may be imposed by the assistant regional commissioner. All such containers shall be marked, branded, or labeled as provided in Subpart O of this part. Bulk beer transferred in tanks, vehicles, or vessels, as provided in this section, shall not be received in the bottling house.

(72 Stat. 1389; 26 U.S.C. 5414)

§ 245.144 Mingling.

Beer transferred without payment of tax from one brewery to another brewery belonging to the same brewer may, subject to the limitation stated in § 245.141, be mingled with beer of the receiving brewery and may be handled thereafter in accordance with the requirements of this part relating to beer produced in such brewery.

(72 Stat. 1389; 26 U.S.C. 5414)

PAR. 17. Section 245.152 is amended to provide that the application by the brewer for removal of sour or damaged beer shall be in duplicate and to remove internal management material relating to samples and chemical analysis thereof. As amended, § 245.152 reads as follows:

§ 245.152 Application.

Before removing sour or damaged beer, the brewer shall make application, in duplicate, to the assistant regional commissioner for permission to make such removal, stating the quantity, type, condition, and proposed disposition of the beer. The assistant regional commissioner may cause such inspection to be made as he may consider necessary before granting permission for removal, and will notify the brewer in writing whether the beer may be removed. The assistant regional commissioner may authorize such removal without inspection where he is satisfied that the revenue will not be jeopardized thereby.

(72 Stat. 1334; 26 U.S.C. 5053)

§ 245.157 [Revoked.]

PAR. 18. Section 245.157 is revoked.

PAR. 19. Section 245.158 is amended to make it clear that only the brewer who paid or determined the tax on beer removed from the market may claim refund or credit of such tax, and to liberalize the requirements relating to the segregation of beer removed from the market. As amended, § 245.158 reads as follows:

§ 245.158 Beer removed from market.

Beer on which the brewer has paid or determined the tax and which he removes from the market may be returned to and stored in the brewery, and refund or credit of the tax may be claimed by him in accordance with the provisions of Subpart T. Unless such beer is to be returned to the stock of the racking room or bottling house, it shall be identi-

fied as beer removed from the market, be segregated from all other beer (or be otherwise clearly identified), and be accessible for inspection by internal revenue officers. The tax on any such returned beer which is again removed for consumption or sale shall be determined and paid without respect to the tax which was determined at the time of prior removal of the beer. The disposition of the beer shall be in accordance with the provisions of this part. The brewer's daily records and Form 103 shall properly reflect the receipt and disposition of such beer, and the balling thereof if used as material.

(72 Stat. 1334, 1335, 1389, 1390; 26 U.S.C. 5054, 5056, 5411, 5415)

PAR. 20. Section 245.161 is amended by revising the opening paragraph and paragraphs (d) and (f), and by revoking paragraph (e) to delete requirements for the filing of a written notice by the brewer when taxpaid beer, removed from the market, is to be returned to stock, reconditioned, used as material, or destroyed at the brewery. The amended provisions of § 245.161 read as follows:

§ 245.161 Notice by brewer.

When a brewer possesses taxpaid beer (or beer on which the tax has been determined), which has been removed from the market and which he desires to destroy elsewhere than in his brewery, he shall give written notice of his intention in triplicate, to the assistant regional commissioner: *Provided*, That such notice may be submitted directly to an inspector at the brewery. The notice, which shall be serially numbered, shall be executed under penalties of perjury as defined in § 245.5. The notice shall specify the date on which the beer is to be destroyed, which date shall not be less than 12 days from the date of the notice. If, before the date specified in the notice, an internal revenue officer has not supervised destruction of the beer, or the assistant regional commissioner has not advised the brewer to the contrary, the brewer may destroy the beer on the date and in the manner stated in the notice. Where the notice is given to an inspector at the brewery, the inspector may supervise the transaction or transmit the notice to the assistant regional commissioner. The notice shall contain the following information:

* * *

(d) If the title to the beer has passed, the name and address of the person returning the beer.

(e) [Revoked.]

(f) The location at which the brewer desires to accomplish destruction and the reason for not destroying the beer at the brewery.

(72 Stat. 1335; 26 U.S.C. 5056)

PAR. 21. Section 245.162 is amended with respect to verification of the supervision of the destruction or other disposition of, taxpaid beer removed from the market. As amended, § 245.162 reads as follows:

§ 245.162 Supervision.

(a) *Assignment of inspector.* On receipt of the brewer's notice, the assistant regional commissioner shall, if he considers it necessary for the protection of the revenue, assign an inspector to verify the statements therein and, to the extent the assistant regional commissioner deems necessary, to witness the destruction of the beer. The assistant regional commissioner may require that the destruction of the beer be delayed pending arrangement of a convenient time for supervision, and, if the place of destruction is not readily accessible to an inspector, the assistant regional commissioner may require that the beer be moved to a more convenient location.

(b) *Additional notice requirements.* Notwithstanding the provisions of § 245.161, the assistant regional commissioner may, where he deems it necessary, require a brewer who has on hand taxpaid or tax-determined beer which has been removed from the market, and which the brewer desires to destroy at the brewery, return to stock, recondition, or use as material, to give written notice of his intention in the same manner as is required by § 245.161 with respect to beer which is to be destroyed elsewhere than in the brewery.

(72 Stat. 1335; 26 U.S.C. 5056)

PAR. 22. Section 245.163 is amended to make it clear that claims under this section relate only to beer which has been removed from the brewery. As amended, § 245.163 reads as follows:

§ 245.163 Beer lost or destroyed by fire, casualty, or act of God.

In accordance with the provisions of this part the tax paid by any brewer on beer produced in the United States may be refunded or credited (without interest), or, if the tax has not been paid, the brewer may be relieved of liability therefor if, after removal from the brewery and before transfer of title thereto to any other person, such beer is lost other than by theft, or is destroyed by fire, casualty, or act of God. A brewer who sustains such loss and desires to file a claim for refund, credit, or remission of tax, shall, on learning of such loss, immediately notify the assistant regional commissioner of the nature, cause, and extent of the loss, and the place where such loss occurred. Statements of witnesses or other supporting documents should be furnished, if available. When such notice, and supporting documents where furnished, are received by the assistant regional commissioner, he will examine the reasons for the described loss and will cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary for use in connection with the claim when it is submitted. The tax liability on excessive losses of beer from transfers between breweries of the same ownership may be remitted as provided in § 245.143.

(72 Stat. 1335; 26 U.S.C. 5056)

PAR. 23. Sections 245.164 and 245.165 are amended to require additional information on certain claims for refund or credit of tax, and to remove the requirement that claims should, when feasible, be filed concurrently with notices of intention. As amended, §§ 245.164 and 245.165 read as follows:

§ 245.164 Claims for refund of tax.

Claims for refund of tax shall be filed on Form 843. Such claims, if for refund of tax on beer removed from the market, shall show (a) the name and address of the brewer, (b) the quantity of beer covered by the claim, (c) the amount of tax for which the claim is filed, (d) the reason for removal of the beer from the market and the facts relating thereto, (e) whether the brewer is indemnified by insurance or otherwise in respect of the tax, and, if so, the nature of such indemnification, (f) the claimant's reasons for believing that the claim should be allowed, and (g) if the beer removed from the market has been returned to stock (with or without recasing or relabeling), reconditioned, used as material, or destroyed at the brewery, the date on which the beer was removed from the market, the name of the person from whom the beer was returned, and a statement that the tax has been fully paid or determined. If the claim is for refund of tax on beer lost or destroyed by fire, casualty, or act of God, it shall contain the information specified in paragraphs (a), (b), (c), (e), and (f) of this section, and a statement of the circumstances surrounding the loss; the claim shall also show the date of the loss, and, if lost in transit, the name of the carrier. Notices required under §§ 245.161 and 245.163 shall be incorporated, by reference, in claims. Claims covering losses shall be supported, whenever possible, by affidavits of persons having knowledge of the loss, unless such affidavits are contained in the notice given under § 245.163. The assistant regional commissioner may require the submission of additional evidence in support of any claim filed under this section when deemed necessary for proper action on the claim. Any claim on Form 843 shall be filed with the assistant regional commissioner having jurisdiction over the region in which the tax was paid within 6 months after the date of removal from the market or loss or destruction by fire, casualty, or act of God. Such claims will not be allowed if filed after the prescribed time or if the claimant was indemnified by insurance or otherwise in respect of the tax.

(72 Stat. 1335; 26 U.S.C. 5056)

§ 245.165 Claims for allowance of credit for tax.

In lieu of filing a claim for refund of tax as provided in § 245.164, a brewer may file with the assistant regional commissioner having jurisdiction over the region in which the tax was paid, a claim on Form 2635 for allowance of credit for the tax paid. Any claim for credit filed on Form 2635 shall include all of the information required under § 245.164 with respect to a claim for refund on Form

843. Notices required under §§ 245.161 and 245.163 shall be incorporated, by reference, in such claims. The brewer shall not anticipate allowance of a credit or make an adjusting entry therefor in a tax return pending consideration and action on the claim by the assistant regional commissioner. When written notification of allowance of the credit or any part thereof is received from the assistant regional commissioner, the brewer may make a proper adjusting entry and explanatory statement in the next subsequent beer tax return (or returns) to the extent necessary to exhaust the credit. The assistant regional commissioner may require the submission of additional evidence in support of any claim filed under this section when deemed necessary for proper action on the claim. A claim for allowance of credit for tax paid on beer must be filed within 6 months after the date of removal from the market, loss, or destruction by fire, casualty, or act of God. A claim will not be allowed if filed after the prescribed time or if the brewer was indemnified by insurance or otherwise in respect of the tax.

(72 Stat. 1335; 26 U.S.C. 5056)

PAR. 24. Section 245.225 is amended to provide in paragraph (a) for maintenance of records of materials used in the production of wort received; to revoke paragraph (i) pertaining to beer recased or relabeled; to add a new paragraph (n) providing record requirements for materials sold and materials used in the manufacture of wort, malt sirup, and malt extract for sale or removal; and to insert a proviso regarding inventories. The amended provisions of § 245.225 read as follows:

§ 245.225 Records.

(a) Each kind of material received and used in the production of beer and cereal beverage (including, in the case of wort and concentrated wort, the balling thereof and the quantity and kind of each material used in the production thereof).

(i) [Revoked.]

(n) Brewing materials sold (including the name and address of the person to whom shipped or delivered) and brewing materials used in the manufacture of wort, wort concentrate, malt sirup, and malt extract for sale or removal.

The brewer shall also maintain a record reflecting shortages and overages of beer and cereal beverage disclosed by physical inventories taken at least once each calendar month: *Provided*, That a physical inventory taken on a Saturday or Sunday next succeeding the last day of any calendar month, or on a legal holiday (of the particular State or of the District of Columbia wherein the brewery is located) falling within the first 7 days of the next calendar month, shall be deemed to be a physical inventory taken during the calendar month immediately preced-

ing such Saturday or Sunday or legal holiday. The brewer shall maintain a record of the ballings of the wort produced, and of the ballings and the alcohol content of beer and cereal beverage transferred (1) to the bottling house, (2) to the racking room, and (3) between breweries in bulk conveyances. The records reflecting ballings and alcohol content need not be consolidated and averaged daily unless the brewer desires. The brewer's records shall include all supplemental and auxiliary records of individual operations and transactions of the brewery needed for compilation purposes and for verification by internal revenue officers. The daily totals of transactions and operations of the brewery shall be recorded on Form 2051 unless alternate records showing the information required thereby are used by the brewer as provided herein. Specimen copies of Form 2051 will be furnished brewers by assistant regional commissioners. Form 2051, if maintained, will be provided by brewers at their own expense. Assistant regional commissioners may authorize brewers to modify Form 2051 to adapt its use to tabulating or other data processing equipment, or to the brewer's special operations, or to provide additional information, where such modifications are not inconsistent with the general requirements of accuracy and clarity. Where a brewer's records show the required information in any other form of record or combination of records, the brewer may use such records in lieu of maintaining Form 2051. The Director, Alcohol and Tobacco Tax Division, may require the maintenance of Form 2051 by any brewer when the interests of the United States so demand. All entries in the records required by this part shall be made not later than the close of the business day next succeeding the day on which the transactions occur: *Provided*, That when the last day for making such entries falls on Saturday, Sunday, or a legal holiday (of the particular State or of the District of Columbia wherein the brewery is located), such entries shall be considered timely if they are made on the next succeeding day which is not a Saturday, Sunday, or a legal holiday (of the particular State or District of Columbia wherein the brewery is located).

(68A Stat. 896, 72 Stat. 1390, 1395; 26 U.S.C. 7503, 5415, 5555)

PAR. 25. Section 245.230 is amended to make its provision applicable to the disposition of unsalable beer which has been metered for racking or bottling, rather than only to unsalable beer in the bottling house. As amended, § 245.230 reads as follows:

§ 245.230 Disposition of unsalable beer.

A brewer having unsalable beer in barrels, kegs, bottles, or racker or bottling tanks, which has never been removed from the brewery, may destroy, recondition, or use such beer as material. The brewer shall report the quantity of such beer destroyed, reconditioned, or used as material, in his daily records and on Form 103. If the unsalable beer consists

of rejects from the racking room or bottling line, such beer may be destroyed without being included in the respective production records, and, when so destroyed, shall be so reported in the brewer's daily records and on Form 103. When such reject bottled beer is to be consumed at the brewery or sold to brewery employees, or is cased or otherwise accumulated pending other disposition, the quantity thereof must be included in bottling house production and be so reported in the brewer's daily records and on Form 103.

(72 Stat. 1389, 1390, 1395; 26 U.S.C. 5411, 5415, 5555)

PAR. 26. Immediately following Subpart BB, a new Subpart CC, providing for establishment of experimental breweries, is added to read as follows:

Subpart CC—Experimental Breweries

Sec.

- 245.251 General.
- 245.252 Application.
- 245.253 Action on application.
- 245.254 Bond.
- 245.255 Special tax.
- 245.256 Operations and records.
- 245.257 Discontinuance of operations.

§ 245.251 General.

A brewery may be established for research, analytical, experimental or developmental purposes in connection with (a) the processes and systems by which beer is brewed, packaged, stored, handled, or shipped, (b) the materials and equipment used in brewing, packaging, storing, handling, or shipping beer, or (c) the byproducts which are, or may be, derived from beer or from the brewing of beer. Such experimental breweries shall be established and operated as provided in this subpart. Notwithstanding the implications of any other section of this part, beer may be removed from such brewery only as provided in § 245.215. Beer may be transferred to the experimental brewery from another brewery of the same ownership in accordance with the provisions of Subpart Q of this part. The provisions of Subparts C (except § 245.10), D, E, F, G, H (except §§ 245.46, 245.48–245.61, and those portions of § 245.45 relating to consents of surety and quadrennial renewal of bonds and of § 245.47 relating to transfer of beer from other breweries owned by the same brewer), I, L (except §§ 245.86–245.91, 245.93–245.94, 245.95 with respect to bonds and consents of surety, and 245.97–245.100), M, O, P, R, S, T, U, W, X, and AA of this part shall not be applicable to experimental breweries established under this subpart.

§ 245.252 Application.

(a) *Original.* Any person who desires to establish an experimental brewery under the provisions of this subpart shall file an application therefor with the assistant regional commissioner. The application shall be in writing, in triplicate, and shall state (1) the name and address of the applicant; (2) a description of the premises and equipment to be used in the operations of such brewery; (3) the nature, purpose, and extent

of the operations; and (4) that the applicant agrees to comply with all provisions of this part applicable to the operations to be conducted. The assistant regional commissioner may authorize the operation of an experimental brewery if he determines that the brewery will be operated solely for one or more of the purposes specified in § 245.251 and that the operations will be such that the revenue will not be jeopardized. Such authorization will expire on the last day of June following the date the authorization was granted: *Provided*, That when an original application is being approved not more than six months prior to July 1, the assistant regional commissioner may authorize operation of the experimental brewery through June 30 of the next succeeding year. The assistant regional commissioner may at any time before or after approval of an application require the submission of such additional information as he considers necessary for administration of the applicable provisions of this part or for the protection of the revenue. Authorization to operate an experimental brewery may be withdrawn whenever in the judgment of the assistant regional commissioner the revenue would be jeopardized by the operations of the brewery.

(b) *Annual authorization.* Any person who desires to continue the operation of an experimental brewery shall file a new and complete application as of July 1 of each year: *Provided*, That when an original application has been authorized for a period of more than 1 year as provided in paragraph (a) of this section, a new application will not be required as of July 1 of the year in which such authorization was given. The new application, which shall supersede those previously filed, shall conform to the requirements of paragraph (a) of this section. Operation of an experimental brewery shall not continue until the superseding application required by this section has been approved by the assistant regional commissioner.

§ 245.253 Action on application.

If the assistant regional commissioner approves the application, he will so note each copy and forward one copy to the applicant, one copy to the Director, Alcohol and Tobacco Tax Division, and retain the original. The applicant shall file his copy of the approved application at his premises, available for inspection by internal revenue officers.

§ 245.254 Bond.

Any person requesting authorization to establish an experimental brewery as provided in § 245.252 shall also execute and file bond on Form 1566. The operation of the experimental brewery shall not commence until the applicant receives notice from the assistant regional commissioner of the approval of such bond. Such operation may continue only so long as an approved bond on such form is in effect. The bond shall be conditioned that the operator of the experimental brewery shall pay, or cause to be paid, to the United States according to the laws of the United States and

the provisions of this part, the taxes, including penalties and interest, for which he shall become liable, on all beer brewed, produced, or received on the premises.

§ 245.255 Special tax.

The special tax imposed on a brewer by section 5091, I.R.C., shall be paid in accordance with Subpart K of this part.

§ 245.256 Operations and records.

On receipt of the approved application, operations may commence. Monthly reports of operations need not be filed with the assistant regional commissioner, but records which are, in the opinion of the assistant regional commissioner, appropriate to the type of operation being conducted shall be maintained, available for inspection by internal revenue officers. Such records shall include information sufficient to fully account for the receipt, production, and disposition of all beer received or produced on the premises, and the receipt (and disposition, if removed) of all brewing materials.

§ 245.257 Discontinuance of operations.

When operations are to be discontinued, the brewer shall notify the assistant regional commissioner in writing, in triplicate, stating therein the purpose of the notice and giving the date of the discontinuance. When operations have been completed and all beer on the premises has been disposed of and appropriately accounted for, the assistant regional commissioner will note his approval on the notice, return one copy to the proprietor, forward one copy to the Director, Alcohol and Tobacco Tax Division, and retain the original.

[F.R. Doc. 68-6719; Filed, June 6, 1968; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO ALLOTMENT AND MARKETING QUOTA REGULATIONS, 1966-67 AND SUBSEQUENT MARKETING YEARS

Notice of Determination To Be Made With Respect to Regulations Pertaining to Farm Acreage Allotments and Farm Marketing Quotas for Flue-Cured Tobacco for the 1966-67 and Subsequent Marketing Years

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended and supplemented, the Department is preparing to amend the regulations (31 F.R. 9775, including amendments) for establishing farm acreage allotments and marketing quotas, the issuance of marketing cards, the identification of marketings of tobacco, the collection

and refund of penalties, and the records and reports incident thereto for flue-cured tobacco.

The purpose of revising the regulations is to (1) clarify definitions, (2) revise provisions affecting new farm eligibility requirements, (3) provide for use of new forms to identify marketings of tobacco, and (4) to include other changes for clarification purposes.

The proposed changes in the affected regulations are set forth herein.

The changes presently being considered are as follows:

1. Section 725.51, paragraphs (o), (r), (ee), and (hh) would be amended to read as follows:

§ 725.51 Definitions.

(o) *Floor sweepings.* Scraps or leaves of tobacco which accumulate on the warehouse floor in the regular course of business, except no such tobacco shall be recognized in the States of South Carolina, North Carolina, and Virginia where untied tobacco is presheeted in standardized sheets of burlap before marketing and is sold in such sheets.

(r) *Marketing recorder or field assistant.* Any employee of the U.S. Department of Agriculture, or any employee of an Agricultural Stabilization and Conservation Service (ASCS) county office, whose duties involve the preparation and handling of the records and reports pertaining to the identification of marketings of tobacco.

(ee) *Suspended Sale.* Any marketing of tobacco at auction for which the sale is not identified by a producer's marketing card or a dealer's identification card by the end of the sale day on which such marketing occurred.

(hh) *Trucker.* A person who trucks or hauls tobacco for producers, or any other persons.

2. Section 725.69, paragraph (b), subparagraph (6), would be amended to read as follows:

§ 725.69 Determination of acreage allotments for new farms.

(b) The operator expects to obtain, during the current year, more than 50 percent of his income from the production of agricultural commodities or products from the farm for which the new farm allotment application is filed. In making this computation of income from the farm, no value will be allowed for the estimated return from the production of the requested allotment. However, in addition to the value of agricultural products sold from the farm, credit will be allowed for the estimated value of home gardens, livestock, and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm. Where the farm operator is a partnership each partner must expect to obtain,

during the current year, more than 50 percent of his income from agricultural commodities or products from the farm. Where the farm operator is a corporation, it must have no major corporate purpose other than operation and ownership, where applicable, of such farm, and the officers and general manager of the corporation must expect to obtain more than 50 percent of their income, including dividends and salary, from the corporation.

3. Section 725.87, paragraph (a), subparagraph (1), and paragraph (f), subparagraphs (1), (2), (3), and (4), would be amended to read as follows:

§ 725.87 Issuance of marketing cards.

(a) *General.* (1) A marketing card (MQ-76) shall be issued for the current marketing year for each farm having tobacco available for marketing. Cards shall be issued in the name of the farm operator except that (i) cards issued for tobacco grown for experimental purposes only shall be issued in the name of the experiment station, and (ii) cards issued to a successor-in-interest shall be issued in the name of the successor-in-interest. The face of the marketing card may show the name of other interested producers. For cards issued in North Carolina, South Carolina, and Virginia, the card shall show the harvested acreage on the face of the card. A marketing card may be issued in the name of a producer who is not the farm operator if the county committee determines pursuant to the procedure in subparagraph (2) of this paragraph that such producer has been or likely will be deprived of the right to use the marketing card issued for the farm to market his proportionate share of the crop.

(f) Farm quota data entered on marketing card and supplemental card:

(1) Any marketing card issued to market tobacco shall show when issued, in the space provided on the reverse side, (i) the pounds computed by multiplying 10 percent times the effective farm marketing quota, and (ii) the pounds computed by multiplying 110 percent times the effective farm marketing quota.

(2) Where the farm operator requests it, a supplemental marketing card bearing the same name and identification as shown on the original marketing card may be issued for a farm upon return to the county office of an original marketing card or a supplemental marketing card. The pounds computed as 10 percent of the effective farm marketing quota shall be entered in the space provided on reverse side of the marketing card and the balance of 110 percent of quota from prior marketing card shall be shown in the first space on the card.

(3) Two or more marketing cards may be issued for a farm if the farm operator so requests in writing and specifies in writing the number of pounds to be assigned to each card. In such cases (i) each marketing card shall show 10 percent of the assigned quota in the space "10 percent of quota", and (ii) each marketing card shall show the assigned

quota plus 10 percent of such assigned quota in the space "110 percent of quota".

(4) If, when authorized under Part 1421 of this chapter, a producer requests and obtains from the county committee an interim advance of CCC funds on part or all of his flue-cured tobacco crop prior to marketing thereof, the estimated quantity of tobacco upon which the interim advance was made shall be entered in parenthesis on the reverse side of the marketing card in the space for recording sales. Any poundage balance of the "110 percent of quota" data shall be entered below the estimated pounds upon which an interim advance was made.

4. Section 725.91, paragraphs (b) and (c) would be revoked and paragraph (a) would be amended to read as follows:

§ 725.91 Identification of marketings.

(a) *Identification of producer marketings.* Each auction and nonauction marketing card, Form MQ-76, issued for the current year shall be identified by a marketing card, Form MQ-76, issued for the farm. The reverse side of the marketing card shall show in pounds (1) 10 percent of quota, (2) 110 percent of quota, (3) balance of 110 percent of quota after each sale, and (4) date of sale. Also, each producer sale at auction shall be recorded on a Form MQ-72-1, Report of Tobacco Auction Sale, and each producer sale at nonauction shall be recorded on Form MQ-72-2, Report of Tobacco Nonauction Purchase.

(b) [Revoked]

(c) [Revoked]

5. Section 725.94 paragraph (c) would be amended to read as follows:

§ 725.94 Penalties considered to be due from warehousemen, dealers, buyers, and others excluding the producer.

(c) *Leaf account tobacco.* If part or all of any marketing of leaf account tobacco (including floor sweepings and tobacco from the buyers corrections account), when added to prior leaf account resales is in excess of prior leaf account purchases, such marketing shall be considered to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. Floor sweepings which the State executive director determines have been properly identified and reported by the warehouseman shall be considered acceptable proof that such marketings are not marketings of excess tobacco provided the amount thereof for the warehouse does not exceed the floor sweepings for the season of: (i) 0.17 percent of producers' sales of tied tobacco, (ii) 1.10 percent of producers' sales of untied tobacco in Florida and Georgia and (iii) zero percent of producers' sales where untied tobacco is pre-sheeted in standardized sheets of burlap before marketing in the States of South Carolina, North Carolina, and Virginia.

6. Section 725.99, paragraph (a), subparagraph (4), paragraph (c), subparagraph (3), paragraph (d), paragraph (f),

PROPOSED RULE MAKING

subparagraph (3), and paragraph (g) would be amended, and a new paragraph (i) would be added, to read as follows:

§ 725.99 Warehousemen's records and reports.

(a) Record of Marketing.

(4) *Tobacco sale bill and daily warehouse sales summary.* Each warehouseman shall use uniform tobacco sale bills furnished by ASCS with spacing to record by imprinter the identification of the warehouse and the identification of the seller. The warehouseman shall not weigh in any tobacco for sale unless a card (MQ-76 for producers, MQ-79-2 for dealers) is furnished the weighman. In the "Buyerstand Grade" space on the tobacco sale bill (i) the left column shall show nonauction purchases by the warehouse and tobacco grade for tobacco consigned to price support, and (ii) the right column shall show the symbol for tobacco bought by private buyers. At the end of each sale day the tobacco sale bills shall be sorted and filed in numerical order. A copy of the executed Form MQ-80, Daily Warehouse Sales Summary, shall be furnished to marketing recorder for the Kansas City Data Processing Center (KCDPC).

(c) Marketing Card.

(3) *Nonauction sale (country purchase) to a warehouseman.* A marketing card used to cover a nonauction sale (country purchase) at the farm shall show on the reverse side of the poundage balance of the "110 percent of quota". Each warehouseman shall record each nonauction purchase of tobacco made by him on MQ-79 and on Form MQ-72-2, Report of Tobacco Nonauction Purchase. The data to be recorded on Form MQ-72-2 is set forth in § 725.100(c)(3).

(d) *Suspended sale record.* Any tobacco sale bill covering a sale of tobacco for which a valid marketing card or dealer identification card was not presented shall be given to a marketing recorder who shall stamp such bills, "Suspended".

(f) *Record and report of warehouseman's leaf account purchases and resales not on his floor.* Each warehouseman shall keep a record and make reports on MQ-79, Dealer's Report, showing:

(3) All purchases of tobacco from dealers other than warehousemen and resales of tobacco to dealers other than warehousemen. Form MQ-79 shall be prepared and a copy, including copies of Form MQ-72-2 for all nonauction purchases, forwarded to the ASCS State office not later than the end of the calendar week in which such tobacco was purchased or resold. *Provided:* That, if tobacco is purchased prior to the opening of the local auction market, an MQ-79 shall be prepared and a copy, together

with copies of MQ-72-2 for all nonauction purchases, forwarded to the ASCS State office not later than the end of the calendar week which would include the first sale day of the local auction markets. A remittance for all penalties shown by the entries on MQ-79 and Form MQ-72-2 to be due shall be forwarded to the ASCS State office with the original copy of MQ-79.

(g) *Daily warehouse sales summary.* Each warehouseman shall prepare at the end of each sale day a report on MQ-80, Daily Warehouse Sales Summary, showing for each sale day:

(1) For each manufacturer, buyer, order buyer, and Flue-Cured Stabilization (pool), pounds of tobacco purchased at auction (consigned in the case of the pool).

(2) The sum of the items for subparagraph (1).

(3) Resales at auction for each person listed under subparagraph (1).

(4) For each dealer subject to reporting purchases and resales on MQ-79, as originally billed, the total pounds of tobacco purchased at auction, and resales at auction.

(5) The total pounds purchased at auction for the leaf account.

(6) The total pounds purchased at nonauction at the warehouse for the leaf account.

(7) The sum of the total pounds for subparagraphs (5) and (6).

(8) The total leaf account resales and floor sweepings.

(9) The sum of the total purchases for subparagraphs (2), (4), and (7) of this paragraph.

(10) The sum of the total resales for subparagraphs (3), (4), and (8) of this paragraph.

(11) For each warehouse sale of excess tobacco from a farm, the applicable farm number with daily remittance of the penalty due to accompany Form MQ-72-1.

(12) For each dealer, at time of settlement having excess resale tobacco, the applicable dealer identification number with daily remittance of the penalty due.

(13) As to the information required to be entered on MQ-80, Daily Warehouse Sales Summary by the marketing recorder, the warehouseman shall keep and make available such records as will enable the marketing recorder to enter thereon: (i) The total number of Forms MQ-72-1 for the sale day and the sum of pounds sold and shown on Forms MQ-72-1, and (ii) the total number of suspended sale bills and the sum of such pounds sold.

(14) At the end of the season, each warehouseman shall, for each kind of tobacco: (i) Report on his final MQ-80 for the season the quantity of leaf account tobacco and floor sweeping tobacco if any, on hand and its location, and (ii) Permit its inspection by a representative of ASCS, and furnish him at that time a certification of the quantity of such tobacco.

(1) *Report on Form MQ-78, Tobacco Warehouse Organization.* Each warehouseman shall annually, prior to opening of auction markets, furnish ASCS as executed Form MQ-78 showing:

(1) Form of business organization.

(2) Name and address of warehouse officials and bookkeeper.

(3) Name and address of other warehouses in which the officials and bookkeeper have a financial interest.

(4) Name and address of custodian of warehouse records, including their location.

7. Section 725.100, paragraph (b), subparagraph (1) and paragraph (c), subparagraph (2) would be amended, and new subparagraphs (3) and (4) would be added, to read as follows:

§ 725.100 Dealer's records and reports.

(b) *Nonauction sale (country purchase) to a dealer.* (1) (i) Each purchase of tobacco from a producer shall be identified by a marketing card issued for the farm on which the tobacco was produced. The reverse side of the marketing card shall show the poundage balance of the "110 percent of quota"; (ii) in addition, a Form MQ-72-2, Report of Tobacco Nonauction Purchase, shall be prepared and shall show: (1) date of purchase, (2) identification number of buyer, (3) identification of producer selling the tobacco as shown on the marketing card, including his name and address and complete farm number, (4) type code 10, (5) pounds purchased, and (6) amount of penalty collected. The dealer shall record each nonauction purchase of tobacco made by him on MQ-79.

(c) Record and report of purchases and resales.

(2) Form MQ-79 shall be prepared and a copy, together with executed copies of MQ-72-2 for all nonauction purchases, forwarded to the ASCS State office not later than the end of the calendar week in which such tobacco was purchased or resold, except as follows: (1) If tobacco is purchased prior to the opening of the local auction market an MQ-79 shall be prepared and a copy, together with executed copies of Form MQ-72-2, for all nonauction purchases, forwarded to the ASCS State office not later than the end of the calendar week which would include the first sale day of the local auction markets; (ii) if tobacco is resold in a State other than where produced, and the auction markets at such location open earlier than those where the tobacco would normally be sold at auction by farmers, reports shall be prepared and forwarded together with executed copies of MQ-72-2 for all nonauction purchases, not later than the end of the calendar week which would include the first sale day of the local auction market where the resale takes place.

(3) The data to be entered on MQ-72-2, Report of Tobacco Nonauction Purchase from producers shall be that

enumerated under subparagraph (b) (ii) of this paragraph. For nonauction purchases from a dealer, the data to be entered on MQ-72-2 shall be the following: (i) Date of purchase; (ii) Identification number of buyer; (iii) Identification number of dealer making the sale; (iv) Type code 10, and (v) Pounds purchased.

(4) At the end of the marketing operations of each dealer he shall for each kind of tobacco: (i) Report on his final MQ-79 for the season the quantity of tobacco on hand and its location, and (ii) Permit its inspection by a representative of ASCS, and at that time furnish him a certification of the quantity of such tobacco.

8. Section 725.101 would be amended to read as follows:

§ 725.101 Dealers exempt from regular records and reports.

Any dealer or buyer who acquires tobacco only at auction sales and resells, in the form in which tobacco ordinarily is sold by farmers, 5 percent or less of any such tobacco shall not be subject to the requirements of § 725.100: *Provided*, That where deemed necessary the Director, Farmer Programs Division or the State committee may require a report of all tobacco purchased by the dealer without regard to the 5-percent exemption. Any dealer or buyer is required to report on MQ-79 and on MQ-72-2 nonauction purchases from producers and nonauction purchases from other sources.

9. Section 725.105 would be amended to read as follows:

§ 725.105 Duties of Kansas City ASCS Data Processing Center.

Numerous record keeping and reporting provisions required of these regulations are the responsibility of the Kansas City ASCS Data Processing Center (also referred to as KCDPC). The duties of the Center are set forth in writing in frequent issuances of internal procedures.

Prior to the issuance of the proposed regulations, any data, views, or recommendations pertaining thereto which are submitted to the Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration, provided such submissions are postmarked not later than 10 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in the manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C. on June 3, 1968.

E. A. JAEKE,
Acting Administrator, Agricultural
Stabilization and Conservation Service.

[F.R. Doc. 68-6739; Filed, June 6, 1968;
8:48 a.m.]

Consumer and Marketing Service

[7 CFR Part 1036]

[Docket Nos. AO-268-A12-RO2, AO-179-A28-RO2, AO-325-A8-RO2]

MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing on the Northeastern Ohio (Part 1036), Greater Youngstown-Warren (Part 1048), and Greater Wheeling (Part 1008) orders was held in March and April 1967 under Docket Nos. AO-268-A12, AO-179-A28, and AO-325-A8. On the basis of that hearing, the three orders were amended and merged into one order (Part 1036) for the Eastern Ohio-Western Pennsylvania marketing area. The merged order was issued April 15, 1968, to be effective July 1, 1968 (33 F.R. 5988).

The hearing held under these docket numbers was reopened on February 23, 1968, at Memphis, Tenn., pursuant to notice thereof issued on February 6, 1968 (33 F.R. 2784). This hearing, held jointly for 71 Federal orders, including the Northeastern Ohio, Greater Youngstown-Warren, and Greater Wheeling orders, was convened for the purpose of considering proposals to continue beyond April 1968, the temporary emergency Class I price increases in effect under the orders involved. This decision is limited to the issues considered at the Memphis hearing.

Upon the basis of the evidence introduced at the Memphis hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on May 10, 1968 (33 F.R. 7156; F.R. Doc. 68-5800) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (33 F.R. 7156; F.R. Doc. 68-5800) are hereby approved and adopted and are set forth in full herein:

The material issues on the record of the hearing as it pertains to the order for the Eastern Ohio-Western Pennsylvania marketing area relate to:

1. Continuing under the Eastern Ohio-Western Pennsylvania order the temporary Class I price increases effective under the Northeastern Ohio, Greater Youngstown-Warren and Greater Wheeling orders; and

2. The need for emergency action.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence pre-

sented at the hearing and the record thereof:

1. *Class I price level.* The Class I price differential under the Eastern Ohio-Western Pennsylvania order should be increased 20 cents per hundredweight from the effective date of that order through April 1969. Also, for the purpose of computing Class I prices through April 1969, the basic formula price should be not less than \$4.33.

On the basis of the record of the Memphis hearing, temporary Class I price increases that had been effective through April 1968, under 71 milk orders, including the Northeastern Ohio, Youngstown-Warren and Wheeling orders, are being continued through April 1969. These price increases under the three named orders are effective only through June 1968, since these orders are to be merged July 1, 1968, into one order for the Eastern Ohio-Western Pennsylvania marketing area.

A decision issued April 15, 1968 (33 F.R. 6016), set forth the basis for the temporary price increases that became effective May 1, 1968, under the three orders to be merged. The marketing conditions which warranted the temporary price increases in the marketing areas currently regulated by these orders exist similarly in the Eastern Ohio-Western Pennsylvania marketing area. The findings and conclusions of that decision, of which official notice is taken, are equally applicable to the Eastern Ohio-Western Pennsylvania marketing area and are adopted herein.

2. *The need for emergency action.* The recommended decision in this proceeding should not be omitted as was generally requested with respect to all orders involved in the Memphis hearing. Since the Eastern Ohio-Western Pennsylvania order does not become effective until July 1, 1968, there is adequate time for normal procedures. This recommended decision proposing temporary price increases under the Eastern Ohio-Western Pennsylvania order should assist those dairy farmers in the Eastern Ohio-Western Pennsylvania market in planning their future production programs.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the order for the Eastern Ohio-Western Pennsylvania marketing area; and all of

said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Eastern Ohio-Western Pennsylvania Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Eastern Ohio-Western Pennsylvania Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of December 1967 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area, is approved or favored by producers, as defined under the terms of the

order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on June 3, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

Order Amending the Order Regulating the Handling of Milk in the Eastern Ohio-Western Pennsylvania Marketing Area

§ 1036.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) **Findings upon the basis of the hearing record.** Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the ef-

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

fective date hereof, the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on May 10, 1968, and published in the FEDERAL REGISTER on May 15, 1968 (33 F.R. 7156; F.R. Doc. 68-5800), shall be and are the terms and provisions of this order and are set forth in full herein:

1. Section 1036.50 is revised to read as follows:

§ 1036.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) at the rate of the Chicago butter price times 0.12 and rounded to the nearest cent. For the purpose of computing Class I prices from the effective date hereof through April 1969, the basic formula price shall not be less than \$4.33.

2. Section 1036.51(a)(1) is revised to read as follows:

§ 1036.51 Class prices.

(a) * * *

(1) Add \$1.67 for plants in the Cleveland-Erie district and \$1.77 for plants in the Pittsburgh district, plus 20 cents for each district through April 1969. At a plant outside the marketing area, add the amount applicable pursuant to this paragraph at the location of the city hall of the following cities that is nearest (by the shortest hard-surfaced highway distance as determined by the market administrator) such plant: Canton and Cleveland, Ohio; and Erie, Pittsburgh, and Uniontown, Pa.

[F.R. Doc. 68-6742; Filed June 6, 1968; 8:49 a.m.]

[7 CFR Part 1068]

[Docket No. AO-178-A23]

MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Curtis Hotel (East Room), 10th

Street and Third Avenue South, Minneapolis, Minn., beginning at 9:30 a.m., on June 25, 1968, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications hereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Twin City Milk Producers Association, Barron Cooperative Creamery, Clover Leaf Creamery Co., Delano Cooperative Creamery, Ellsworth Cooperative Creamery, Ewald Brothers Dairy, Inc., Fairmont Foods Co., Franklin Creamery, Inc., Hastings Cooperative Creamery, Land O'Lakes Creameries, Inc., Maple Island Dairies, Inc., Meyer Brothers Dairy, Norris Creameries, Inc., Northland Milk and Ice Cream Co., Pixy-Pak, Inc., St. Croix Valley Co-op Dairies, Sanitary Farm Dairies, Inc., and Superior Dairy Fresh Milk Co.:

Proposal No. 1. Amend § 1068.4 (marketing area definition) to include the following counties:

MINNESOTA COUNTIES

Anoka.	Mille Lacs.
Benton.	Pine.
Carver.	Ramsey.
Chisago.	Renville.
Dakota.	Scott.
Hennepin.	Sherburne.
Isanti.	Sibley.
Kanabec.	Stearns.
Kandiyohi.	Washington.
McLeod.	Wright.
Meeker.	

WISCONSIN COUNTIES

Barron.	Pierce.
Chippewa.	Polk.
Dunn.	St. Croix.
Eau Claire.	

Proposed by Twin City Milk Producers Association, Barron Cooperative Creamery, Delano Cooperative Creamery, Ellsworth Cooperative Creamery, Farmers Co-op Creamery Association, Hastings

Cooperative Creamery, Land O'Lakes Creameries, Inc., and St. Croix Valley Co-op Dairies:

Proposal No. 2. Delete § 1068.52 and amend § 1068.53 so as to eliminate the supply-demand adjustment formula from the Class I pricing provisions of the order.

Proposal No. 3. Amend § 1068.56(a) (Class I butterfat differential) by changing the 20 percent factor specified therein to 15 percent.

Proposal No. 4. Amend § 1068.9(b) (pool plant provisions) by revising the second proviso so that it reads as follows: "And provided further, That if member producer milk of a cooperative association is delivered during each of the months of August, September, and October as direct-shipped milk to a plant(s) described in paragraph (a) of this section located within the city limits of either Minneapolis or St. Paul, then any deliveries of milk by such cooperative association directly to such plant(s) may be considered, for the purposes of this paragraph, as having been received first at a plant of such cooperative association."

Proposed by Twin City Milk Producers Association:

Proposal No. 5. Revise § 1068.53 to read as follows:

§ 1068.53 Class I price.

Subject to the differentials provided in §§ 1068.55 and 1068.56(a) the price per hundredweight for Class I milk each month shall be the basic formula price for the preceding month computed pursuant to § 1068.51 plus \$1.20.

Proposal No. 5a. In §§ 1068.55 and 1068.82 (location differentials), change the phrase "beyond the radius of 15 miles" where it appears in the introductory text of both sections to read "beyond the radius of 40 miles"; and substitute, in both sections, the following table:

Location of plant (Miles)	Amount of deduction (Cents)
Less than 40	0
40 but less than 50	10.0
50 but less than 60	11.5
60 but less than 70	13.0
Each additional 10 miles or fraction thereof in excess of 70 miles, an additional	1.0

Proposal No. 6. Amend § 1068.15 (producer-handler definition) by adding a second proviso as follows: "And provided further, That such person does not dispose in the marketing area any fluid products which are recombined or reconstituted from milk products purchased from other plants."

Proposed by Clover Leaf Creamery Co., Ewald Brothers Dairy, Inc., Fairmont

Foods Co., Franklin Creamery, Inc., Meyer Brothers Dairy, Norris Creameries, Inc., Northland Milk and Ice Cream Co., Pixy-Pak, Inc., Sanitary Farm Dairies, Inc., and Superior Dairy Fresh Milk Co.:

Proposal No. 7. Revise the shrinkage provisions of the order as follows:

A. In § 1068.41(a) (Class I milk), delete subparagraph (2) and redesignate subparagraph (3) as subparagraph (2);

B. In § 1068.41(b) (Class II milk), redesignate subparagraph (5) as subparagraph (6) and add a new subparagraph (5) to read as follows:

§ 1068.41 Classes of utilization.

* * *

(b) * * *

(5) Skim milk and butterfat, respectively, in shrinkage, but not in excess of:

(i) Two percent of producer milk;

(ii) Plus 1.5 percent of bulk fluid milk products received from a handler pursuant to § 1068.13;

(iii) Plus 1.5 percent of bulk fluid milk products received from pool plants;

(iv) Plus 1.5 percent of fluid milk products in bulk received from other order plants, exclusive of the quantity for which Class II utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler.

* * *

C. Change the references where they appear in two places in § 1068.42(b) to read "§ 1068.41(b) (5); and

D. Make such conforming changes as the foregoing amendments require.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 8. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Sanford A. Balgaard, 7703 Normandale Road, Room 100, Minneapolis, Minn. 55435, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on June 5, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-6774; Filed, June 6, 1968; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

SILVER CERTIFICATES FOR SILVER BULLION

Delivery of Bullion

Section 4(d) of the Procedure for the exchange of silver certificates for silver bullion set forth in the notice published May 14, 1968, 33 F.R. 7122, is amended to read as follows:

SEC. 4. *Delivery of bullion.*

(d) Silver bullion will be exchanged for silver-bullion receipts under the procedure set out in this notice at the monetary value of \$1.292929292 per fine troy ounce. It will be of such fineness, not below 0.830, as the Assay Office may select.

Dated: June 5, 1968.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 68-6799; Filed, June 6, 1968;
8:49 a.m.]

Foreign Assets Control Office NICKEL-BEARING MATERIALS FROM ITALY

Issuance of Importation License

The Office of Foreign Assets Control has reason to believe that nickel-bearing materials and articles made in Italy may be made or derived in whole or in part from forms of nickel which are of Cuban origin.

Notice is hereby given that, effective as of June 7, 1968, imports of the following nickel-bearing materials and articles directly or indirectly from Italy will be detained by Customs until such time as their release from Customs custody, or other disposition thereof, is authorized by the Office of Foreign Assets Control under the provisions of the Cuban Assets Control Regulations (31 CFR Part 515):

(1) Nickel, its alloys, their so-called basic shapes and forms, and also nickel waste and scrap, provided for in Schedule 6, Part 2, Subpart E, Tariff Schedules of the United States (TSUS);

(2) Nickel oxides provided for in item 519.72, TSUS;

(3) Ferronickel provided for in item 607.25, TSUS;

(4) Stainless steel and other metal alloys in their basic shapes and forms, if containing more than 2.50 percent nickel.

Licenses will generally be issued to importers for imports in those cases where prior to June 7, 1968: (1) The goods were exported from Italy; (2) the goods were paid for by a person in the United

States; or (3) an irrevocable letter of credit covering the goods was established by a domestic bank.

[SEAL] MARGARET W. SCHWARTZ,
Director.

[F.R. Doc. 68-6718; Filed, June 6, 1968;
8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ATTESTING OFFICERS

Designation

Emily A. Amor, Mary F. Dennis, Ruth M. Harding, Elizabeth D. Tihany, and Cynthia M. Wilkerson are hereby designated Attesting Officers for the Department of Housing and Urban Development, and each is authorized to affix the seal of the Department of Housing and Urban Development to such documents as may require its application and to certify that a copy of any book, record, paper, or other document is a true copy of that in the files of the Department.

This designation supersedes the designation effective November 26, 1963 (28 F.R. 12638, Nov. 27, 1963).

(Sec. 7(d) of Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This designation shall be effective as of June 3, 1968.

ROBERT C. WEAVER,
Secretary of Housing and
Urban Development.

[F.R. Doc. 68-6716; Filed, June 6, 1968;
8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

SUGARCANE

Notice of Hearings on Wages and Prices in Florida and Louisiana and Designation of Presiding Officers

Pursuant to the authority contained in sections 301(c)(1) and 301(c)(2) of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that public hearings will be held as follows:

At Belle Glade, Fla., on June 20, 1968, in the Holiday Inn, beginning at 9:30 a.m.;

At Houma, La., on June 24, 1968, in the Municipal Auditorium, 880 Verret Street, beginning at 9:30 a.m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301(c)(1) of the act, whether the wage rates established for Louisiana sugarcane fieldworkers in the wage determination which became effective October 16, 1967 (32 F.R. 13801), and for Florida sugarcane fieldworkers in the wage determination which became effective October 23, 1967 (32 F.R. 14096), continue to be fair and reasonable under existing circumstances, or whether such determination(s) should be amended; and (2) pursuant to the provisions of section 301(c)(2) of the act, fair and reasonable prices to be paid for the 1968 crops of sugarcane in Louisiana and Florida, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payment under the act.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearings to express their views and present appropriate data in regard to wages and prices.

While testimony on all pertinent points is desired, it is especially requested that witnesses be prepared to offer information and recommendations on the following matters regarding fair wages for fieldworkers and prices for sugarcane:

I. *Louisiana*—(a) *Wages.* (1) Need for changes in number of worker classifications and elimination of differential in wage rates for harvest and nonharvest workers.

(2) Wage rate differentials between unskilled, semiskilled, and skilled workers.

(3) Wage payment practices for idle time spent in field by all classes of workers pending reassignment to other work.

(b) *Prices.* (1) Periods to be used to determine the season's average prices of raw sugar and blackstrap molasses with special attention to shortening the period used to compute such season's average prices.

(2) Specification and standardization of hoisting allowances made by processors to producers.

II. *Florida*—(a) *Wages.* (1) Need for additional worker classifications such as workers employed in mechanical harvesting operations.

(2) Wage rate differentials between different classifications of workers.

(3) Use and effectiveness of apprentice rate for operators of tractors and mechanical harvesting and loading equipment and need for continuing such rate.

(4) Written description of method used in setting piecework rates per row for cutting sugarcane and statement of total tons cane cut by hand, total amount of wages paid cane cutters, total hours worked, and average earnings per worker per hour, by months, for the 1967-68 crop.

(5) Written statement of method followed in keeping records of hours worked by persons employed on a piecework basis, and wage payment practice for idle time spent in field by all classes of workers pending reassignment to other work.

(b) *Prices.* (1) Recommendations and justification for pricing factor used in determination of the price per ton of standard sugarcane purchased by processors from producers.

The hearings after being called to order at the times and places mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officer.

T. O. Murphy, A. A. Greenwood, D. E. McGarry, C. F. Denny, and R. R. Stansberry, are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Signed at Washington, D.C., on June 3, 1968.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-6740; Filed, June 6, 1968; 8:48 a.m.]

Packers and Stockyards Administration HOPE LIVESTOCK COMMISSION ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

<i>Original name of stockyard, location, and date of posting</i>	<i>Current name of stockyard and date of change in name</i>
ARKANSAS	
Hope Livestock Commission, Hope, Dec. 18, 1958----	Hope Livestock Commission Co., Apr. 1, 1968.
IDAHO	
Davis Livestock Auction, Caldwell, June 10, 1965----	Treasure Valley Livestock Auction, Inc., Apr. 1, 1968.
IOWA	
Fonda Livestock Exchange, Fonda, June 4, 1959----	Fonda Livestock Sales, Mar. 6, 1968.
KANSAS	
Council Grove Livestock Auction Company, Council Grove, Mar. 31, 1950.	Council Grove Livestock Auction, Apr. 1, 1968.
Hanson Livestock Auction, Inc., Hutchinson, Apr. 10, 1950.	Hutchinson Livestock Commission Company, Mar. 16, 1968.
MICHIGAN	
Fullmer Stock Yards, Inc., Caro Apr. 24, 1959-----	Thumb Auction Markets, Inc., Mar. 1, 1968.
Fullmer Stock Yards, Inc., Bad Axe, May 18, 1959--	Thumb Auction Markets, Inc., Mar. 1, 1968.
Fullmer Stock Yards, Inc., Sandusky, Apr. 22, 1959.	Thumb Auction Markets, Inc., Mar. 1, 1968.
MISSOURI	
Carrollton Livestock Auction, Carrollton, May 18, 1959.	Carrollton Livestock Auction, Inc., Oct. 1, 1967.
Princeton Sale Company, Princeton, May 20, 1959--	Mercer County Sale Co., Mar. 28, 1968.

Done at Washington, D.C., this 3d day of June 1968.

G. H. HOPPER,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 68-6743; Filed, June 6, 1968; 8:49 a.m.]

CIVIL SERVICE COMMISSION

FEDERAL CITY COLLEGE AND WASHINGTON TECHNICAL INSTITUTE INSTRUCTORS ET AL.

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage for the positions of instructor, assistant professor, associate professor, and professor, Federal City

College and Washington Technical Institute, Washington, D.C., on May 24, 1968.

Appointees to these positions may be paid for the expenses of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-6724; Filed, June 6, 1968; 8:47 a.m.]

PSYCHOLOGIST (COUNSELING)

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723 the Civil Service Commission has found on May 22, 1968, that there is a manpower shortage for positions of Psychologist (Counseling) GS-180-9 on a nationwide basis.

Appointees to these positions may be paid for the expense of travel and transportation to the first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-6725; Filed, June 6, 1968; 8:47 a.m.]

SOCIAL SCIENTIST, ASSISTANT DIRECTOR FOR MEXICAN-AMERICAN EDUCATION STUDY

Manpower Shortage; Notice of Listing

Under the provision of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on May 28, 1968, for the single position of Social Scientist, GS-101-14, Assistant Director for the Mexican-American Education Study, Research Division, U.S. Commission on Civil Rights, Washington, D.C. This finding terminates when the position is filled.

Assuming other legal requirements are met, the appointee to this position may be paid for the expenses of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-6726; Filed, June 6, 1968; 8:47 a.m.]

POST OFFICE DEPARTMENT

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Post Office Department to fill by noncareer executive assignment the position of Executive Assistant to the Postmaster General, Office of the Postmaster General.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-6727; Filed, June 6, 1968; 8:47 a.m.]

MEDICAL TECHNOLOGIST SERIES

Notice of Decision To Prescribe Minimum Educational Requirements

In accordance with section 5 of the Veterans' Preference Act of 1944, as

amended, the Civil Service Commission has decided that minimum educational requirements are necessary for positions in the Medical Technologist Series, GS-644. These requirements, the duties of the positions, and the reasons for the Commission's decision that these requirements are necessary are set forth below.

**MEDICAL TECHNOLOGIST SERIES, GS-644
(ALL GRADES)**

Superseded requirements. The following requirements supersede the material previously published in the FEDERAL REGISTER: 23 F.R. 5643, July 26, 1958, as amended at 28 F.R. 5253, May 28, 1963.

Minimum educational requirements. Applicants for all grades must have successfully completed one of the requirements described below:

A. A full course of study which meets academic requirements for a bachelor's degree in medical technology from an accredited college or university;

B. At least 3 academic years of study (a minimum of 90 semester hours or equivalent) in an accredited college or university which met the specific requirements for entrance into, and the successful completion of a course of training of approximately 1 year in a school of medical technology approved by a nationally recognized accrediting agency.

C. At least 3 academic years of study (a minimum of 90 semester hours or equivalent) in an accredited college or university and the successful completion of a program of approximately 1 year of education, training, and supervised experience approved by a nationally recognized accrediting agency in the field of cytotechnology or histopathology. (This alternative is appropriate for filling professional medical technologist positions specializing in cytology or histology work.)

D. A full course of study which meets academic requirements for a bachelor's degree in chemistry or in one of the biological sciences from an accredited college or university which included or has been supplemented by experience and/or training covering several fields of medical laboratory work.

E. For those whose training was completed after September 14, 1963. At least 3 years (90 semester hours or equivalent) in an accredited college or university with at least 30 semester hours (or equivalent) in chemistry and biology courses, and at least 1 year of successful experience and/or training covering several fields of medical laboratory work. The total combination of chemistry and biology course work must bear a significant relationship to the medical sciences in general and to the field of medical technology.

F. For those whose training was completed prior to September 15, 1963. At least 3 years (90 semester hours or equivalent) in an accredited college or university with at least 24 semester hours (or equivalent) in chemistry and biology courses, and at least 18 months of successful experience and/or training covering several fields of medical laboratory

work. The total combination of chemistry and biology course work must bear a significant relationship to the medical sciences in general and to the field of medical technology.

G. For those whose training was completed prior to January 1, 1962. 1. At least 2 years (60 semester hours or equivalent) in an accredited college or university with at least 24 semester hours (or equivalent) in chemistry and biology courses; and

2. The successful completion of a course in a school of medical technology approved by a nationally recognized accrediting agency; and

3. At least 18 months of successful experience and/or training covering three or more fields of medical laboratory work.

The combinations of education and experience or training acceptable under paragraphs C, D, E, F, and G must have provided the applicant with a professional knowledge of medical technology equivalent to that normally acquired through completion of the full course of study and training described in paragraph A or B above.

Duties. Medical Technologists perform a variety of responsible professional duties in medical laboratory work. They perform testing and examining work in clinical or medical laboratories or perform other work that requires a full professional knowledge of the field of medical technology.

Many medical technologists are engaged in supervising or performing tests and examinations of samples of fluids and other body substances of patients. Physicians use the reports of findings of tests and examinations in their diagnosis, care, and treatment of patients. Other medical technologists primarily make special studies to evaluate and standardize new or improved methods, procedures, and equipment for use in the clinical laboratory. The work of medical technologists may be of a "generalist" nature or may be specialized in one of the fields of medical technology such as chemistry, microbiology (bacteriology, mycology, serology, etc.), hematology, and blood banking. Most medical technologist positions involve duties in teaching and/or training medical technicians, other medical technologists, or other medical personnel.

Reasons for the requirements. The duties of Medical Technologist positions cannot be performed without the broad knowledges and understanding gained through college-level training in the biological and physical sciences and extensive knowledges of the specialized principles and techniques practiced in the clinical or medical laboratory. The level of training of the Medical Technologist must be sufficient to prepare him to handle the problems encountered in the analysis of chemical levels and disease states in a wide range of organic matter, and to be aware of the total medical ramifications of variations in laboratory test results. They must have basic knowledges of the branches of chemistry and several of the biological

sciences such as general biology, bacteriology, parasitology, anatomy, histology, embryology, physiology, and zoology. These knowledges and abilities can be acquired only through successful completion of a carefully structured course of study in an accredited educational institution which provides adequate library and laboratory facilities, and thoroughly trained instructors who can give specific guidance and competently evaluate the progress of the professional training.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 68-6728; Filed, June 6, 1968;
8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18020, etc.; FCC 68-575]

**ALMARDON, INCORPORATED OF
FLORIDA, ET AL.**

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Almarcon, Incorporated of Florida, Pompano Beach, Fla., Docket No. 18020, File No. BPH-5928; Requests: 102.7 mc, No. 274; 100 kw; 350 feet; Sunrise Broadcasting Corp., Pompano Beach, Fla., Docket No. 18021, File No. BPH-5931; Requests: 102.7 mc, No. 274; 100 kw; 203 feet; Deerfield Radio, Inc., Deerfield Beach, Fla., Docket No. 18187, File No. BPH-6178; Requests: 102.7 mc, No. 274; 98.8 kw; 446 feet; for construction permits.

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. The first two of the above-captioned applications were designated on February 14, 1968 (FCC 68-161) for hearing in a consolidated proceeding with a third application, since dismissed. At that time the Commission noted the filing of an additional application, for Deerfield Beach, and stated that it subsequently would be included in the consolidated hearing. For the sake of clarity, this order is to supersede the previous one and reflects the changes necessary as a result of the above-noted deletion and inclusion of applications.

3. According to Sunrise Broadcasting Corp.'s application, a total of \$59,932 would be required to construct and operate its proposed station for 1 year without revenue. To meet this requirement Sunrise relies on a bank loan for \$30,000 (less \$12,000 in first-year repayments) and stockholder loan commitments for the balance. The statements of the stockholders, however, fail to establish that they have sufficient net liquid assets available for this purpose.

Accordingly, an issue will be specified to determine the availability of the additional \$41,932.

4. According to its application, Deerfield Radio, Inc., would require \$135,783 to construct and operate for 1 year without revenue. To meet this requirement, it relies on stock subscriptions totalling \$10,000 and a bank loan of \$150,000. However, the Messrs. Ruwitch and Sherman have not indicated their willingness to provide personal endorsements for the loan as required by the bank. Accordingly, an issue will be specified to determine the availability of the required funds from the bank loan or otherwise.

5. Since no determination has yet been reached on whether the antenna proposed by Almaron, Incorporated of Florida would constitute a menace to air navigation, an issue regarding this matter is required.

6. The respective proposals are for different communities. Consequently, it will be necessary to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

7. Full comparison of the programming proposals is warranted when one or more applicants propose predominantly specialized programming and another, general market programming—Ward L. Jones, FCC 67-82 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965). In this case, Almaron, Incorporated of Florida proposes predominantly Negro-oriented programming while Sunrise Broadcasting Corp. and Deerfield Radio, Inc., propose general market programming. Therefore, the programming proposals of the applicants may be compared under the contingent comparative issue.

8. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

9. It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Sunshine Broadcasting Corp. has available to it from stockholder loans or otherwise the additional \$41,935 required to finance construction and first-year operation of the station and thus demonstrate its financial qualifications.

2. To determine whether Deerfield Radio, Inc., has available to it from bank loans or otherwise the additional \$125,783 required to finance construction and first-year operation and thus demonstrate its financial qualifications.

3. To determine whether there is a reasonable possibility that the tower height and location proposed by Almaron, Incorporated of Florida would constitute a menace to air navigation.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

5. To determine, in the event it is concluded that a choice between applications should not be based solely on considerations relating to section 307(b), which of the proposals would best serve the public interest.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

10. It is further ordered, That this order supersedes the previous designation order in this proceeding (FCC 68-161).

11. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

12. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

13. It is further ordered, That the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: May 29, 1968.

Released: June 4, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 68-6729; Filed, June 6, 1968;
8:47 a.m.]

[Docket Nos. 18204, 18205; FCC 68-576]

SUMITON BROADCASTING CO., INC., AND CULLMAN MUSIC BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Sumiton Broadcasting Co., Inc., Sumiton, Ala., Docket No. 18204, File No. BP-17108; Requests: 1540 kc, 1 kw, Day; Dan Cole Mitchell

¹ Commissioner Wadsworth absent.

and Leon A. Murphree, doing business as Cullman Music Broadcasting Co., Cullman, Ala., Docket No. 18205, File No. BP-17193; Requests: 1540 kc, 1 kw, 500 w-CH, Day; for construction permits.

1. The Commission has before it for consideration the above-captioned mutually exclusive applications.

2. The application of Sumiton Broadcasting Co., Inc. (Sumiton) indicates that an estimated \$52,158 will be needed for first-year construction and operating costs consisting of: Down payment on equipment, \$4,428; installment payments on equipment including interest, \$4,730; land and building, \$3,000; miscellaneous expense, \$5,000; and one year's working capital, \$35,000. The applicant proposes to meet the required \$52,158 through the use of existing capital of \$3,000 and a bank loan of \$65,000. The bank loan, however, is conditioned upon the securing of the personal endorsements of Sumiton's four stockholders. Since there is nothing in the application to indicate that the stockholders are willing to become personally liable on the note, an issue will be specified for the purpose of determining whether the individuals are willing to make such a commitment.

3. A financial issue will also be required as to Cullman Music Broadcasting Co. (Cullman). That applicant estimates \$41,697 will be required to finance first-year construction and operating costs. Cullman proposes to use existing capital of \$2,766 and loans from the two partners of \$5,000. Based on examination of his balance sheet, however, it does not appear that partner Murphree has sufficient liquid assets to meet his \$5,000 commitment. Cullman's application also contains a bank letter reciting that it has "agreed to extend credit to a high five figures and would consider extending credit to low six figures for the construction and operation of a Standard Broadcasting Radio Station". Since the letter is silent as to the amount of the credit, the security required, and the terms of repayment, it will be necessary to determine in hearing the exact nature of the loan.

4. A Suburban¹ issue is required as to both applicants. In answering Part I, section IV of the application form regarding the ascertainment of community needs and interests, Sumiton stated, in substance, that it was relying on (i) the residence of its four stockholders in the county; (ii) the working experience of one of the stockholders in a county radio station; and (iii) a survey of 12 community leaders in Sumiton whose "ideas of needs to be served in local programming are reflected in the proposed program schedule". Regarding (i) and (ii) above, it is sufficient to note that our recent ruling in Andy Valley Broadcasting System, Inc. makes it quite clear that applicants for new stations, in ascertaining community needs and interests, must conduct surveys. Furthermore, it is equally clear that the applicant must

¹ Suburban Broadcasters, 30 F.C.C. 1021, 20 RR 951 (1961).

identify the individuals and groups. See Azalea Corp., FCC 67-756, 10 RR 2d 717; Vernon Broadcasting Company, FCC 68-

FCC 2d ----- Finally, in Minshall Broadcasting Company, Inc., 11 FCC 2d 796, 12 RR 2d 502, we instructed applicants to provide full information on (i) the steps they have taken to inform themselves of the real needs and interests of the area; (ii) the suggestions they have received; (iii) their evaluation of those suggestions; and (iv) the programing proposed to meet the community needs as they have been evaluated. In the case at hand, Sumiton has failed to identify the 12 community leaders, has failed to enumerate their suggestions, and has failed to give an evaluation of the suggestions received. Basically, all we have in the way of a survey is a naked averment that 12 people were contacted, followed by the unsupported assertion that the program schedule reflects "[t]heir ideas of needs to be served." Obviously, this survey does not approach the type of thorough search and careful analysis expected of applicants for new stations.

5. Although Cullman identifies the persons and groups contacted, there is no statement as to the suggestions these persons made or how the suggestions were evaluated. Thus, in the case of Cullman, we are likewise unable to determine whether the applicant is "aware of and responsive to [community] needs." Minshall Broadcasting, supra.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below:

7. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidation proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

(2) To determine with respect to the application of Sumiton Broadcasting Co., Inc.:

(a) Whether its four stockholders are willing to become personally liable for the repayment of a prospective \$65,000 bank loan;

(b) Whether, in the light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

(3) To determine with respect to the application of Cullman Music Broadcasting Co.:

(a) Whether Leon A. Murphree has sufficient liquid assets to meet his \$5,000 commitment.

(b) Whether a bank loan is available to the applicant, and, if so, the amount of the loan, the terms of repayment, and the security required.

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified.

(4) To determine the efforts made by the applicants to ascertain the community needs and interests of the areas to be served and the means by which they propose to meet those needs and interests.

(5) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

(6) To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

8. *It is further ordered*, That, in the event of a grant of either of the applications, the construction permit shall contain the following condition:

Any presunrise operation must conform with §§ 73.87 and 73.99 of the rules, as amended June 28, 1967 (32 F.R. 10437), supplementary proceedings (if any) involving Docket No. 14419, and/or the final resolution of matters at issue in Docket No. 17562.

9. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

10. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: May 29, 1968.

Released: June 4, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-6730; Filed, June 6, 1968;
8:48 a.m.]

[Docket Nos. 18085-18087; FCC 68M-872]

VINITA BROADCASTING CO., INC., AND WAGONER RADIO CO.

Order After Prehearing Conference

In re applications of Vinita Broadcasting Co., Inc., Docket No. 18085, File No. BR-3059; for renewal of license of standard broadcast station KVIN, Vinita,

¹ Commissioner Wadsworth absent.

Okla.; Lum A. Humphries, trading as Wagoner Radio Co., Docket No. 18086, File No. BR-4519; for renewal of license of standard broadcast station KWLK, Wagoner, Okla.; Vinita Broadcasting Co., Inc., Vinita, Okla., Docket No. 18087, File No. BPH-5558; for construction permit.

A prehearing conference in the above-entitled matter was held today. It was agreed, with the Examiner's approval, that the applicants will file a response to the Bureau's Bill of Particulars by July 15; that thereafter counsel would endeavor to work out stipulations of basic facts with a view to expediting the hearing; that direct case exhibits, in the form of affidavits by the person or persons having direct knowledge of the facts, will be exchanged by September 16, with one copy of each such exhibit provided to the Examiner; that there will be a similar exchange of rebuttal exhibits by October 1; that counsel will notify each other in writing (with one copy to the Examiner) by October 8 the names of witnesses they expect to call and the names of opposing witnesses desired for cross-examination; and that the hearing will be rescheduled and will convene at 10 a.m., Monday, October 14, 1968, in Tulsa, Okla. Other matters discussed and agreed upon need not be repeated herein, inasmuch as today's transcript may be incorporated herein by reference to the extent that it may be necessary to refer to such matters. The pertinent deadline dates and the agreements of the parties as approved by the Examiner are hereby formalized.

It is so ordered; And

It is ordered further, That the hearing is hereby rescheduled and will convene at 10 a.m., Monday, October 14, 1968, in Tulsa, Okla.

Issued: June 3, 1968.

Released: June 4, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-6731; Filed, June 6, 1968;
8:48 a.m.]

FEDERAL MARITIME COMMISSION

GALLEN LINE AND GUATEMALTECA DE NAVEGACION-LINEA NA- CIONAL

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW.,

Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Gerald A. Malia, Ragan & Mason, The Farragut Building, 900 17th Street, Washington, D.C. 20006.

Agreement No. 9725, between Gallen Line and Guatemalteca De Navegacion—Linea Nacional covers the trade area between U.S. Gulf ports and Guatemala, El Salvador, and Honduras. It provides (1) Gallen Line shall act as general agents for Guatemalteca De Navegacion—Linea Nacional at U.S. Gulf ports, with authority to designate regional agents, (2) Guatemalteca De Navegacion—Linea Nacional will name the port agent in Guatemala and Honduras, (3) the general agents can name the agents in the rest of the countries, (4) the general agents and Guatemalteca De Navegacion—Linea Nacional agree that the latter will receive rates of compensation named therein on all cargo moving under its bills of lading, (5) the general agents will file tariffs with the Commission to be used in this trade, (6) the general agents will make all the arrangements, and payments at their own account and risk for all the claims on damage or shortage on the merchandise carried in this service, and (7) all port expenses as well as loading and unloading of the vessels will be for the account of the general agents.

Dated: June 4, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-6734; Filed, June 6, 1968; 8:48 a.m.]

[Docket No. 68-28]

**CALIFORNIA PRODUCE EXPORT CO.;
AMERICAN MARKETING DIVISION;
AMARKO; CALIFORNIA VEGETABLE
AND FRUIT CO.**

Order of Investigation

It appearing that Liberty Gold Fruit Co., Inc., of San Francisco doing business as California Export Co.; American Marketing Division; Amarko; California Vegetable and Fruit Co. (hereinafter Liberty Gold), a shipper, has shipped between United States and foreign ports, cargoes of frozen poultry, frozen poultry parts, and other foodstuffs, and

It further appearing that on the basis of information and documents before the Commission, Liberty Gold has, in

the past and is currently under-declaring the weight of frozen poultry, frozen poultry parts, and other foodstuffs, inter alia, on the basis of net weight instead of the applicable gross weight in order to obtain lower ocean freight charges than would otherwise be applicable,

Now therefore, it is ordered, That pursuant to section 22 and section 16 first paragraph of the Shipping Act, 1916, as amended (46 U.S.C. 821), an investigation is hereby instituted, on motion of the Federal Maritime Commission, to determine whether Liberty Gold, knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, or by any other unjust or unfair device or means obtained or attempted to obtain transportation by water for property at less than the rate or charges which would otherwise be applicable.

It is further ordered, That Liberty Gold be made respondent in this proceeding, which is to be set for hearing before an examiner from the Office of Hearing Examiners, and

It is further ordered, That any persons, other than respondents, having any interest in this matter, and desiring to participate in this proceeding, shall file a petition for leave to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 21, 1968, with copy to respondents and Hearing Counsel.

It is further ordered, That a notice of this order be published in the FEDERAL REGISTER, and that a copy thereof be served upon the respondent, and that all future notices, orders, and decisions issued in this proceeding, including notice of time and place of hearing and prehearing conference, be mailed directly to each party of record.

By the Commission.

[SEAL]

THOMAS LISI,
Secretary.

[F.R. Doc. 68-6735; Filed, June 6, 1968; 8:48 a.m.]

[Docket No. 68-29]

U.S. PACIFIC COAST-AUSTRALIA, NEW ZEALAND, AND SOUTH SEA ISLANDS TRADE

Order of Investigation and Hearing; Unapproved Section 15 Agreements

It appearing, that the Member Lines of the Pacific Coast Australasian Tariff Bureau Agreement No. 50, as amended, which operates in the trade from U.S. Pacific Coast ports and Hawaii to Australia—excluding Western Australia and Northern Territory, New Zealand, New Guinea, and South Sea Islands, may have during the period June 1965 through March 1968, entered into formal and/or informal understandings and/or arrangements fixing, controlling, and/or limiting compensation paid to freight forwarders subject to the Shipping Act, 1916, as amended, in violation of section 15 of the Shipping Act, 1916. [See Docket 831, Practices and Agreements of Com-

mon Carriers * * * in Connection with Payment of Brokerage * * * to Ocean Freight Forwarders, 7 FMC 51, 57 (1962); "Brokerage agreements among carriers regulate competition and it is well settled that they are within the plain compass of section 15".]

It further appearing, that the foregoing agreements, appearing to fall within the purview of section 15, have not been filed with the Federal Maritime Commission for approval during the period June 1965 through March 1968, and have not been approved as required by said section during the above stated period;

Now therefore, it is ordered, That an investigation is hereby instituted to determine whether such agreements have been entered into and carried out prior to approval in violation of said section 15; and

It is further ordered, That the Pacific Coast Australasian Tariff Bureau and the member lines thereof, as listed in Appendix A hereto, are hereby made respondents in this proceeding; and

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents; and

It is further ordered, That any person other than respondents, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 28, 1968, with copy to parties.

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL]

THOMAS LISI,
Secretary.

APPENDIX A

Mr. W. C. Galloway, Chairman, Pacific Coast Australasian Tariff Bureau, 635 Sacramento Street, San Francisco, Calif. 94111.
Australasia Line, Ltd., Inter-ocean Steamship Corp., 310 Sansome Street, San Francisco, Calif. 94104.
Hamburg-Suedamerikanische Dampfschiff-fahrts-Gesellschaft, Eggert & Amsinck (Columbus Line), 26 Broadway, New York, N.Y. 10004.
Crusader Shipping Co., Ltd., Furness, Withy & Co., Ltd., 34 Whitehall Street, New York, N.Y. 10004.
Japan Line, Ltd., Transpacific Transportation Co., 351 California Street, San Francisco, Calif.
New Zealand Pacific Line, Inter-ocean Steamship Corp., 310 Sansome Street, San Francisco, Calif. 94104.
The Ocean Steamship Co., Matson Navigation Co., Managing Agent, 215 Market Street, San Francisco, Calif. 94105.

Pacific Shipowners, Ltd., B. C. Ship Chartering Co., Ltd., Agents, 540 Seymour Street, Vancouver 2, Canada.

Peninsular & Oriental Steam Navigation Co., Williams, Dimond & Co., Agents, 215 Market Street, San Francisco, Calif. 94105.

The Transatlantic S.S. Co., Ltd. (Pacific Australia Direct Line), General Steamship Corp., Ltd., 1 Bush Street, San Francisco, Calif. 94104.

[F.R. Doc. 68-6736; Filed, June 6, 1968; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP68-325]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

JUNE 3, 1968.

Take notice that on May 23, 1968, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP68-325 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of a field compressor unit at a point in the Monte Christo Field, Hidalgo County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to install and operate a 320-horsepower skid-mounted field compressor unit at a point on the gas gathering lateral of Shell Oil Co. (Shell), immediately upstream of an existing valve on Applicant's 12-inch main line where said main line commences in the Monte Christo Field.

Estimated total cost of the proposed facilities is \$118,000, which cost is to be financed out of internally generated funds.

The Applicant states that the proposed compressor unit is required in order to enable Applicant to continue to receive gas from Shell at reduced pressures. Shell has exercised its right to reduce delivery pressures pursuant to the gas purchase contract between the parties dated November 1, 1955.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 27, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on

its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-6744; Filed, June 6, 1968; 8:49 a.m.]

[Docket No. RP68-20]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Proposed Changes in Rates and Charges

JUNE 4, 1968.

Take notice that Michigan Wisconsin Pipe Line Co., on May 31, 1968, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, to become effective on July 1, 1968. The proposed changes would increase jurisdictional rates by \$19,065.481 per year based upon sales for the 12-month period ending February 29, 1968. The proposed increase would be applicable to Michigan Wisconsin's Rate Schedules ACQ-1, MDQ-1, MDQ-2, SGS-1, LVS-1, WDOS-1, SDOS-1, and AOS-1.

Michigan Wisconsin states that the principal reasons for the proposed rate increases are: (1) Increased purchased gas costs; (2) increased costs for labor, supplies, and other operating expenses; (3) new and increased local, State, and Federal taxes (including a possible 10 percent Federal surtax on income subject to elimination from Michigan Wisconsin's rates and refund if it is not enacted); and (4) the need for a 7.5 percent rate of return.

Copies of the proposed tariff changes were served on all of Michigan Wisconsin's customers and interested State commissions.

Protests, petitions to intervene, or notices of intervention may be filed with the Federal Power Commission, Washington, D.C. 20426, pursuant to the Commission's rules of practice and procedure on or before June 19, 1968.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-6745; Filed, June 6, 1968; 8:49 a.m.]

[Docket No. CP68-328]

SHENANDOAH GAS CO.

Notice of Application

JUNE 3, 1968.

Take notice that on May 24, 1968, Shenandoah Gas Co. (Applicant), 1100 H Street NW., Washington, D.C. 20005, filed in Docket No. CP68-328 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7 (c) of the Regulations thereunder, for a certificate of public convenience and necessity authorizing construction during the 12-month period commencing with the date the requested authorization is granted, and operation of unspecified gas

sales facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to enable Applicant to serve new domestic, commercial and industrial consumers in its franchise area in Virginia and West Virginia. Applicant states that industrial and population growth necessitate the construction and operation of new tap facilities in order to meet growing demand.

The total estimated cost of the gas sales facilities proposed shall not exceed \$100,000 and deliveries to any one consumer will not exceed 100,000 Mcf per year and will not be used by any consumer for boiler fuel for the generation of steam for electric power generation.

The Applicant states that the taps are to be constructed along its "certificated facilities". By "certificated facilities" Applicant states it includes those presently certificated and those requested in Docket No. CP68-196 if the latter are certificated by the Commission.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before July 1, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-6746; Filed, June 6, 1968; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Authorization for System Foreign Currency Operations

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below paragraph 3 of the Committee's Authorization for System Foreign Currency Operations, as amended at its meeting on March 5, 1968.

3. Unless otherwise expressly authorized by the Committee, all transactions in foreign currencies undertaken under paragraph 1(A) above shall be at prevailing market rates and no attempt shall be made to establish rates that appear to be out of line with underlying market forces.

NOTE—For paragraphs 1 and 2 of the authorization, see 33 F.R. 3665; for paragraphs 4 through 10 thereof, see 32 F.R. 9583.

Dated at Washington, D.C., the 29th day of May 1968.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Assistant Secretary.

[F.R. Doc. 68-6711; Filed, June 6, 1968;
8:46 a.m.]

FEDERAL OPEN MARKET COMMITTEE Current Economic Policy Directive of March 5, 1968

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on March 5, 1968.¹

The information reviewed at this meeting indicates that overall economic activity has been expanding rapidly, with both industrial and consumer prices rising at a substantial rate, and that prospects are for continuing rapid growth and persisting inflationary pressures in the period ahead. The foreign trade surplus has been at a sharply reduced level in recent months and the imbalance in U.S. international payments remains serious. Interest rates on most types of market instruments have edged up recently, following earlier declines. While growth in bank credit has moderated on balance during the past three months, bank credit expansion has been substantial in February, mainly reflecting Treasury financings. Growth in the money supply slowed in February, while flows into bank time and savings accounts expanded moderately. In this situation, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to resistance of inflationary pressures and progress toward reasonable equilibrium in the country's balance of payments.

To implement this policy, System open market operations until the next meeting of the Committee shall be conducted with a view to attaining somewhat firmer conditions in the money market: *Provided, however*, That operations shall be further modified if bank credit appears to be expanding more rapidly than is currently projected.

Dated at Washington, D.C., the 29th day of May 1968.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Assistant Secretary.

[F.R. Doc. 68-6712; Filed, June 6, 1968;
8:46 a.m.]

¹The Record of Policy Actions of the Committee for the meeting of Mar. 5, 1968, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

OFFICE OF EMERGENCY PLANNING ARKANSAS

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated May 29, 1968, reading in part as follows:

I have determined that the damage in various areas of the State of Arkansas, adversely affected by tornadoes, severe storms and flooding beginning on or about May 10, 1968, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875.

I do hereby determine the following areas in the State of Arkansas to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 29, 1968:

The counties of:

Craighead.	Montgomery.
Faulkner.	Pike.
Howard.	Pope.
Independence.	Scott.
Logan.	Sebastian.
Monroe.	Sevier.

Dated: May 31, 1968.

PRICE DANIEL,
Director,
Office of Emergency Planning.

[F.R. Doc. 68-6703; Filed, June 6, 1968;
8:45 a.m.]

IOWA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the

President in his letter dated May 29, 1968, reading in part as follows:

I have determined that the damage in various areas of the State of Iowa adversely affected by tornadoes and severe storms on May 15, 1968, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875.

I do hereby determine the following areas in the State of Iowa to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 29, 1968:

The counties of:

Fayette.	Howard.
Floyd.	Johnson.

Dated: May 31, 1968.

PRICE DANIEL,
Director,
Office of Emergency Planning.
[F.R. Doc. 68-6704; Filed, June 6, 1968;
8:45 a.m.]

OKLAHOMA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated May 29, 1968, reading in part as follows:

I have determined that the damage in various areas of the State of Oklahoma, adversely affected by heavy rains and flooding beginning on or about May 13, 1968, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875.

I do hereby determine the following areas in the State of Oklahoma to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 29, 1968:

The counties of:

Choctaw.	Le Flore.
Haskell.	Pushmataha.
Latimer.	

Dated: May 31, 1968.

PRICE DANIEL,
Director,
Office of Emergency Planning.
[F.R. Doc. 68-6705; Filed, June 6, 1968;
8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2312]

EATON & HOWARD STOCK FUND

Notice of Filing of Application for Exemption

JUNE 3, 1968.

Notice is hereby given that Eaton & Howard Stock Fund ("applicant"), 24 Federal Street, Boston, Mass. 02110, a common law trust existing under the laws of Massachusetts registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus, in exchange for substantially all of the assets of the A. A. Tiller Piano Co. ("Tiller").

All interested persons are referred to the application on file with the Commission for a statement of applicant's representations which are summarized below.

Tiller, a Kentucky corporation, is an investment company, all of the outstanding stock of which is owned by two individuals, and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between applicant and Tiller, substantially all of the cash and securities owned by Tiller, with a value of approximately \$173,570 as of February 29, 1968, will be transferred to applicant in exchange for shares of its capital stock. The number of shares of applicant to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in detail in the application) of the assets of Tiller to be transferred to applicant by the net asset value per share of applicant, both to be determined as of a valuation time, as defined in the agreement. If the valuation under the agreement had taken place on February 29, 1968, Tiller would have received 11,487 shares of applicant's stock. The exchange contemplated by the agreement would be prohibited by section 22(d) as being a sale of a redeemable security by a registered investment company at a price other than a current offering price described in the prospectus, unless exempted by an order under section 6(c) of the Act.

When received by Tiller, the shares of applicant, which are registered under the Securities Act of 1933, are to be distributed to the Tiller stockholders on the liquidation of Tiller. Applicant has been advised by the management of Tiller that the stockholders of Tiller have no present intention of redeeming any of applicant's shares following the proposed transaction.

There is no affiliation between applicant and Tiller, Tiller is not an affiliated

person of any affiliated person of applicant, and the agreement was negotiated at arm's length by the two companies. Applicant's Board of Directors approved the agreement as being beneficial to its shareholders, because among other things, applicant will be able to acquire at one time substantial additions to its portfolio securities without affecting the market in those securities and without incurring brokerage commissions.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d) and submits that the granting of the application is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 24, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 68-6706; Filed, June 6, 1968;
8:45 a.m.]

[File No. 7-2918]

MAREMONT CORP.

Notice of Application for Unlisted Trading Privileges and of Oppor- tunity for Hearing

JUNE 3, 1968.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Maremont Corp.; File No. 7-2918.

Upon receipt of a request, on or before June 18, 1968, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 68-6707; Filed, June 6, 1968;
8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 671]

OHIO

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May 1968, because of the effects of certain disasters, damage resulted to residences and business property located in the counties of Athens, Butler, Clinton, Gallia, Hocking, Jackson, Ross, and Warren, in the State of Ohio;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid counties, and areas adjacent thereto, suffered damage or destruction resulting from floods beginning on or about May 24, 1968, and continuing thereafter.

OFFICES

Small Business Administration Regional Office, 50 West Gay Street, Columbus, Ohio 43215.

Small Business Administration Branch Office, Federal Building, Room 4515, Cincinnati, Ohio 45202.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1968.

Dated: May 29, 1968.

ROBERT C. MOOT,
Administrator.

[F.R. Doc. 68-6708; Filed, June 6, 1968;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 4, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41345—*Grain and soybeans to Reserve, La. (for export)*. Filed by The Atchison, Topeka and Santa Fe Railway Co. (No. 96-A), for and on behalf of itself and interested rail carriers. Rates on grain and soybeans, in carloads, as described in the application, from points in southwestern and western trunk-line territories, to Reserve, La. (For Export).

Grounds for relief—Rate relationship and market competition.

Tariff—Supplement 38 to The Atchison, Topeka and Santa Fe Railway Co. tariff ICC 15044.

FSA No. 41346—*Iron or steel skelp to Houston, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-9077), for interested rail carriers. Rates on iron or steel skelp, in carloads, subject to aggregate minimum weights of 600 and 1,200 gross tons of 2,240 pounds each, from Ashland, Ky., to Houston, Tex.

Grounds for relief—Market and Water competition.

Tariff—Supplement 55 to Southwestern Freight Bureau, agent, tariff ICC 4753.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-6720; Filed, June 6, 1968;
8:46 a.m.]

[Notice 152]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 4, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

F.D. No. 25054. By order of May 27, 1968, the Transfer Board approved the transfer to Raymond International, Inc., New York, N.Y., of the operating rights in the second amended certificate and order in No. W-101 issued November 7, 1958, to Merritt-Chapman & Scott Corp., New York, N.Y., authorizing the transportation by non-self-propelled vessels within the use of separate towing vessels in the transportation of commodities generally between ports and points on Long Island Sound and Block Island Sound and their tributary waterways, Narragansett Bay, Providence River, and other specified areas and, by towing vessels in the performance of general towage, between ports and points along Long Island Sound, Block Island Sound, the Atlantic Coast, and their tributary waterways from the New York Harbor area, as defined by the order of March 26, 1941, in Ex Parte No. 140, to Boston, Mass., and on Nantucket, Martha's Vineyard, Plum, Fishers, and Gull Islands. John Williams, Esq., Kirilin, Campbell & Keating, 120 Broadway, New York, N.Y. 10005, attorney for applicants.

F.D. No. 25058. By order of May 27, 1968, the Transfer Board approved the transfer to Grand Portage-Isle Royale Transportation Line, Inc., Duluth, Minn., of the operating rights in the certificate in No. W-1060 (Sub-No. 1) issued June 10, 1954, to Arthur S. Sivertson and Stanley S. Sivertson, a partnership, doing business as Grand Portage and Isle Royale Transportation Co., Duluth, Minn., authorizing the seasonal operation, from April to November, both inclusive, of each year, as a common carrier by self-propelled vessels in the transportation of passengers and commodities generally, in interstate or foreign commerce, between Grand Portage,

Minn., and Isle Royale, Mich. Erling Berg, 716 Torrey Building, Duluth, Minn. 55802, attorney for applicants.

No. MC-FC-35418. By order of May 27, 1968, the Transfer Board approved the lease to Roy G. Ellerd, doing business as Ellerd Truck Lines, Kilgore, Tex., of the certificate of registration in No. MC-97205 (Sub-No. 1) issued June 1, 1964, to Roy G. Ellerd, Charles Frazier, and J. W. Ellerd, a partnership, doing business as Ellerd Truck Lines, Kilgore, Tex., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in SMC Certificate No. 7766 dated September 26, 1947, as corrected, issued by the Railroad Commission of Texas. Lanham and Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701, attorneys for applicants.

No. MC-FC-70471. By order of May 24, 1968, the Transfer Board approved the transfer to Morristown Tour Agency, Inc., 2227 North Economy Road, Morristown, Tenn. 37814, of brokerage license No. MC-12829 issued April 30, 1964, to Eugene B. Roberts, doing business as Morristown Tour Agency, 2227 North Economy Road, Morristown, Tenn. 37814, covering the arrangement for transportation of: Passengers and their baggage, in special or charter operations, in round-trip, all-expense tours, beginning and ending at points in specified counties in Tennessee, and extending to points in the United States, including Alaska, Hawaii, and ports of entry on the United States-Canada and United States-Mexico boundary lines. Applicant is authorized to engage in the above-specified operations as a broker at Morristown, Tenn.

No. MC-FC-70519. By order of May 27, 1968, the Transfer Board approved the transfer to Olga Andujar, Astoria, N.Y., of permits Nos. MC-65701 and MC-65701 (Sub-No. 2); issued September 16, 1964 and July 28, 1967, respectively, to Connie Adiletta, Yonkers, N.Y., authorizing the transportation of: Assorted groceries, from New York, N.Y., to points in Union, Essex, Morris, Bergen, and Passaic Counties, N.J., and groceries, from New York, N.Y., to Bridgeport, Byron, Darien, Greenwich, Glenbrook, Milford, New Haven, Norwalk, South Norwalk, Springdale, Stamford, and Westport, Conn. Louis A. Friedman, 347 Madison Avenue, New York, N.Y. 10017, attorney for applicants.

No. MC-FC-70530. By order of May 27, 1968, the Transfer Board approved the transfer to T. Dolina, Inc., 983 White Horse Avenue, Trenton, N.J. 08610, of the operating rights in permit No. MC-110753 issued July 1, 1949, to Thomas Dolina, doing business as Dolina Trucking, 983 White Horse Avenue, Trenton, N.J. 08610, authorizing the transportation of limestone and lime from Bridgeport, Pa., to Trenton, N.J., and points and places in New Jersey within 30 miles of Trenton.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-6721; Filed, June 6, 1968;
8:47 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—JUNE

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